IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP 30 1970
JAMES R. COONEY, CLERK
BY DEPUTY MARGARET DRIVER

SAMUEL R. POTTER	§	
	§	
VS.	§	CIVIL NO. 6329
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

CLARENCE BOREL	§	
	§	
VS.	§	CIVIL NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

ANSWERS OF DEFENDANT, COMBUSTION ENGINEERING, INC., TO INTERROGATORIES UNDER RULE 33.

Now comes the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and answers the Interrogatories heretofore served upon it under Rule 33 of the Federal Rules of Civil Procedure as follows:

1.

This defendant has no so-called "threshhold limits" of its own for any product it manufactures or sells.

2.

See Answer to Interrogatory No. 1.

3.

See Answer to Interrogatory No. 1.

4.

See Answer to Interrogatory No. 1.

The Potter v. Fibreboard Case File (1969-1972), Answer to interrogatories under Rule 33
ACL Doc 10522 · Page 1 of 4
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5.

It has recently been determined that on one occasion, and in connection with the use of one of its products, a representative of the defendant went into the field to observe the amount of dust created in connection with the use of said product, being #12 Insulating Block.

6.

The observation was made as a result of complaints being made in regard to the dust at the job site, and was made by Mr.Christenson of Combustion Engineering, Inc.'s Refractories Division who made a trip to a jobsite for Consolidated Edison in Astoria, Long Island, in 1963; and it was discovered that the principal contributor to the dust was pearlite and portland cement, the system used was visual observation, and it did not appear to Mr. Christenson that there was any abnormally high dust levels. His observations were not reported to any other person within the company at that time. No other dust count was made.

7.

See Answer to Interrogatory No. 1.

ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC;
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont,Texas.

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THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

CHARLES S. PIPKIN, having been first duly sworn, on oath states that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above cause, and as such is duly authorized to make, file and serve the foregoing answers to Interrogatories, and this affidavit, and that he does so, acting under such authority and authorization; that he has read over the foregoing and the matters therein stated are true and correct.

Charles S. Pipkin

SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 11 day of September, 1970, to certify which witness my hand and seal of office.

Lillian S. Whitaker

NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 1970, a true and correct copy of the foregoing instrument was mailed to the following named attorneys of record:

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AND PHILIP CAREY CORPORATION

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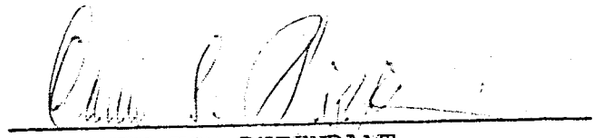
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ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

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