FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 15 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Brewer

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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

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

ANSWER OF THE DEFENDANT, UNARCO INDUSTRIES, INC., TO INTERROGATORIES PROPOUNDED BY PLAINTIFFS

TO: PLAINTIFFS, SAMUEL R. POTTER AND CLARENCE BOREL, AND THEIR ATTORNEY, MR. WARD STEPHENSON, STEPHENSON & THOMPSON, STEPHENSON BUILDING, ORANGE, TEXAS:

COMES NOW DEFENDANT, UNARCO INDUSTRIES, INC., and in response to interrogatories propounded under Rule 33, Federal Rules of Civil Procedure, files its answers to such interrogatories within the period of time as extended by Order of this Court.

The answers of each Interrogatory bears the same number as the Interrogatory propounded:

INTERROGATORY NO. 1:

This Defendant has no "so-called threshold limits" of its own for any product it manufactures or sells. This Defendant's only knowledge of "threshold limits" are those

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established by the American Conference of Governmental Industrial Hygenists. This publication is entitled, "Threshold Limit Values for Air-Borne Contaminants."

INTERROGATORY NO. 2:

This Defendant's customers are insulation contractors and/or owners who are experts in the field of insulation and the application of insulation products and are well aware any dust problems. The customers of this Defendant know or should know that the threshold limit values have been established for asbestos dust concentrations. This Defendant would also show that it is the duty and responsibility of the insulation contractor and/or owner to furnish their employees with a reasonably safe place to work and to inform the employees of these facts and any and all necessary safety precautions required.

INTERROGATORY NO. 3:

This Defendant did not refer to "threshold limits" in previously propounded interrogatories. Additionally, see answer to Interrogatory No. 1.

INTERROGATORY NO. 4:

All information concerning threshold limits is obtained from American Conference of Governmental Industrial Hygenists and their publication.

INTERROGATORY NO. 5:

No.

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INTERROGATORY NO. 6:

Not applicable.

INTERROGATORY NO. 7:

This Defendant is making no contention that some dust count constituted a threshold level. This Defendant says only that reliable information is published periodically by the American Conference of Governmental Hygenists which gives the threshold limit recommended. The recommendation of this Organization was 5,000,000 particles per cubic foot of air through the Year 1968 or 1969.

DATED this 14th day of October, 1970.

VINSON, ELKINS, SEARLS & CONNALLY

By Gerald P. Coley
Gerald P. Coley
2100 First City National Bank Building
Houston, Texas 77002 225 - 2411

ATTORNEYS FOR UNARCO INDUSTRIES, INC.

BEFORE ME, the undersigned authority, on this day personally appeared Gerald P. Coley, attorney of record for the Defendant, Unarco Industries, Inc., in the above entitled and numbered cause and as such states that he is duly authorized to make, file and serve the foregoing answers to the interrogatories indicated in this affidavit and that such answers and statements contained therein are true and correct.

Gerald P. Coley
GERALD P. COLEY

SWORN TO AND SUBSCRIBED BEFORE ME by the said Gerald P. Coley on this the 14th day of October, 1970.

Notary Public in and for
Harris County, Texas

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served upon counsel for Plaintiff and counsel for the Defendants by mailing a copy of the same to the address shown below on each counsel of record by depositing the same in the United States Mail, properly addressed, with postage paid, on the 14th day of October, 1970.

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