JGT:DFG - 1/5/68

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
JAN 8 - 1968
Jam... U. S. Court
By Margaret ...
DEPUTY

CLAUDE J. TOMPLAIT X

VS. X CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., ET AL X

Answer of the Defendant, Gustin-Bacon Manufacturing Company to Interrogatories Propounded by Plaintiff

Gustin-Bacon Manufacturing Company, acting herein by and through its attorney of record, John G. Tucker, in answer to interrogatories propounded by plaintiff to defendant, says:

INTERROGATORY NO. 1: Give the names and trade names of all types of insulating materials manufactured by you, giving the dates that you began to manufacture such materials, starting in 1950, a description of the materials and what they contain.

ANSWER:

Thermoglas, which has been produced since 1953. This is a glass fiber bonded with phenolic resin.

INTERROGATORY NO. 2: Did you ever at any time give warnings to workers of the dangerous nature of such materials? If so, describe your warnings and to whom such warnings were given.

ANSWER:

No warnings were required because the material and product manufactured and sold by Gustin-Bacon Manufacturing Company was not dangerous.

INTERROGATORY NO. 3:

What studies have you made to determine the effect of your products on the lungs and physical condition of persons employed as insulators and asbestos workers who use the materials?

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ANSWER:

There have been many studies made on this subject. These studies were not made by defendant but were made by various research organizations and individuals.

INTERROGATORY NO. 4: Who made such studies, when were they made, and attach copies of the reports and studies.

ANSWER:

Tests were conducted by Dr. Leroy U. Gardner, Director of Edward L. Trudeau Foundation for Research and Teaching in Tuberculosis. In the annual reports of the Foundation's Saranac Laboratory in 1940 and 1941, lack of pulmonary damage from exposure to glass wool dust was reported. Dr. Walter J. Seibert, Pathologist and Director of Laboratories of DePaul and Lutheran Hospital, St. Louis, made an investigation in 1941, and his report was published in the January 1942 issue of Industrial Medicine. The Claims Referee of the Industrial Commission of Ohio, dated June 17, 1941, made a report to Dr. Seibert that there had been no claims filed in the State on the basis of a disease of the upper respiratory tract caused by the alleged inhalation of Fiberglas particles. In May, 1942, the Chief of the Bureau of Industrial Hygiene of the National Institute of Health made a report to the U.S. Marine Hospital in Boston. The Division of Industrial Hygiene of National Institute of Health, Bureau of Medicine and Surgery, sent a memorandum dated December 30, 1942, to the Commandants of all Naval Districts and Shipyards on this subject. Aetna Casualty and Surety Company, underwriters, made a report dated June 21, 1941, to the company's general agent in Toledo. The Navy Department, Bureau of Ships and Bureau of Medicine and Surgery, made an investigation, the results of which were published December 30, 1942. Dr. Louis Schwartz, Medical Director, and Dr. Isadore Botvinick, P. A. Surgeon, of the Divsion of Industrial Health, National Institute of

Health, United States Public Health Service, published an article in the Journal of Industrial Medicine in March, 1943. Paul Gross, M.D. and others published an article in the A.M.A. Archives of Industrial Health in January, 1960. Dr. Marion B. Sulzberger and Dr. Rudolph L. Baer reported the results of their experiments and studies in the October, 1942 issue of "Industrial Medicine". There have been many more studies and reports made on this subject and defendant does not have copies of all the reports and publications pertaining thereto. Such reports are equally available to plaintiff and copies are not, therefore, attached.

INTERROGATORY NO. 5: Did you package and sell any one of the products named in plaintiff's first amended original complaint and if so, how were the products sold, how were the products packaged, and were these products universally used throughout the United States?

ANSWER:

Defendant's products were generally molded in the shape of pipe and faced with canvas paper or a combination of paper and plastics. The pipe insulation products are packaged in totally enclosed cardboard cartons. Some of the products are wrapped in Sisalkraft paper. In whatever form the product is manufactured and sold it is fully enclosed. The products were sold by filling orders from purchasers generally throughout the United States.

INTERROGATORY NO. 6: If these products were used primarily in any specific location or area, please explain where such products were primarily used.

ANSWER:

The products are used generally throughout the United States where industrial construction is involved.

INTERROGATORY NO. 7: Do you not recognize that prolonged use of the insulating materials manufactured by you can cause or contribute to cause various occupational diseases, including asbestosis, silicosis and dermatitis?

ANSWER:

There have been no instances in which prolonged use of insulating materials manufactured by defendant, Gustin-Bacon Manufacturing Company are known to have caused or contributed to cause occupational diseases, including those inquired about, and defendant denies that the use of any product manufactured by it can or has caused any such diseases.

INTERROGATORY NO. 8 - No answer required since this interrogatory has been withdrawn.

GUSTIN-MANUFACTURING COMPANY

BY: John G. Tucker
Its Attorney

THE STATE OF TEXAS)
COUNTY OF JEFFERSON)

John G. Tucker, being duly sworn, upon oath states that he is the attorney of record for the defendant, Gustin-Bacon Manufacturing Company, and authorized in the course of his employment to make and present the foregoing answers to plaintiff's interrogatories, which he does under said authority, and being cognizant of the matters therein set forth and based upon the information furnished him and the investigation conducted as to the subject matter of the interrogatories, says that the said answers are true and correct.

John G. Tucker

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this 5th day of January, 1968.

Doris J. Reeves
Notary Public in and for
Jefferson County, Texas

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing answers to interrogatories was on the 8th day of January, 1968, served upon counsel for each of the other parties herein by depositing the same in the United States mail postage prepaid, addressed to Mr. Ben L. Reynolds, Royston, Rayzor & Cook, 877 San Jacinto Building, Houston, Texas 77002; Mr. Ward Stephenson, Stephenson Building, Orange, Texas; Mr. John Rienstra, Beaumont Savings Building, Beaumont, Texas 77701; Mr. George A. Weller, P. O. Box 350, Beaumont, Texas 77704; Mr. Charles S. Pipkin, P. O. Box 1632, Beaumont, Texas 77704; Mr. George Duncan, Beaumont Savings Building, Beaumont, Texas 77701; Mr. Gordon Pate, Beaumont Savings Building, Beaumont, Texas 77701; Mr. James W. Mehaffy, San Jacinto Building, Beaumont, Texas 77701.

Attorney for Gustin-Bacon
Manufacturing Company

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