IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS,

BEAUMONT DIVISION.

FILED

JAN 17 1968

R. Cloney, Clerk

By Mildred C. Verret DEPUTY

CLAUDE J. TOMPLAIT, PLAINTIFF, §

VS. §

CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., ET AL, §

DEFENDANTS. §

CROSS-INTERROGATORIES TO DR. IRVING J.SELIKOFF PROPOUNDED BY DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R AND I REFRACTORY AND INSULATION CORPORATION.

1. Direct Interrogatory No. 19 inquires as to whether the X-ray films you examined bore appropriate X-ray markings by way of identifying them:

(a) What did the markings consist of, setting forth the exact marking on each X-ray you examined;

(b) What became of the X-rays that you examined;

(c) Do you have any personal knowledge as to the time, place, date and circumstances under which the X-rays were taken;

(d) Do you have any means of identifying the X-rays other than information received from the Orange Memorial Hospital and, if so, state what other means you had for identifying the X-rays.

2. The second Direct Interrogatory numbered 22 and the second interrogatory numbered 23 and Direct Interrogatory No. 24 refer to publicized reports and information purportedly available to the industry manufacturing asbestos insulating materials. If in answer to such direct interrogatories, you have stated that there were reports and materials available, please mark

Published by AsbestosClaims.Law
asbestosclaims.law/library/10737/1

for identification and attach copies of each and all of the reports that you have reference to, or give the date of publication, the name of the publishers and authors and information as to where and how copies of each report may be obtained.

3. Direct Interrogatory 24 refers to reports by governmental agencies. Please identify and attach copies of each report from any governmental agency that you have reference to in answering Direct Interrogatory 24, or if copies are not attached, please describe each report and state the name and address of the agent or organization from whom copies of each report can be obtained.

4. What is asbestosis?

5. What is the cause of asbestosis?

6. What is the chemical composition substance causing asbestosis?

7. How long does it take asbestosis to develop?

8. Exposure to what concentrations of what substances over what period of time are necessary to cause asbestosis?

9. Would the use of respirators be a reasonable safety precaution to prevent asbestosis?

10. State whether or not the published material referred to in answer to Direct Interrogatories 22, 23 and 24 would have been available to those employing insulators working with asbestos products.

11. Is it possible to distinguish between asbestosis and other pulmonary diseases such as silicosis, coal miners' pneumoconiosis, bauxite pneumoconiosis, and other forms of pneumoconiosis?

12. In arriving at the opinion that the X-rays you examined showed a case of asbestosis, state whether or not you were actually able to and did differentiate between asbestosis and other forms of pneumoconiosis.

13. Did you on or about February 11, 1966, give a deposition in Cause No. A-13,916, 128th District Court of Orange County, Texas, in a suit entitled Claude J. Tomplait, plaintiff, vs. Queens Insurance Company, defendant?

14. Did you in the deposition in cause referred to in Cross-Interrogatory No. 13 testify that the x-rays you examined showed pulmonary asbestosis?

15. It is true, is it not, that in the deposition, on testimony given in the case referred to in Cross-interrogatory No. 13, that you testified only to a diagnosis of pulmonary asbestosis and to no other disease or condition?

16. In connection with the diagnosis you have made, based solely upon your examination of the X-rays mentioned, would it not be important to have the benefit of additional clinical, both subjective and objective findings in addition to the X-rays?

17. Is not your diagnosis solely on the basis of the X-rays examined?

18. Is it not true that even though you may feel that the X-rays which you examined reflected the possibility of a disease or a condition suggestive of asbestosis, you are not attempting to tell the jury how disabling such a condition may or may not be.

19. Is it not true, that before making any estimate as to how much disability or incapacity might be caused by the conditions which you found reflected on the X-rays, it would be necessary for you to examine the man in person?

Published by AsbestosClaims.Law
asbestosclaims.law/library/10737/3

20. Is it not true that any observations that you have made, are simply a diagnosis as to the possibility of reasonable probability of a condition, but that your observations or your diagnosis are not in anywise intended to reflect the amount of incapacity or disability which the man may be suffering from at this time or which he may in the past or may in the future suffer from?

21. Is it not true that a person may have a condition known as asbestosis and yet, such condition may be only slightly disabling, not disabling at all or extremely disabling?

22. Is it not true that in this particular case, you are not insinuating any specific degree of incapacity or disability?

ATTORNEY FOR DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION;
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont,Texas.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10737/4

CERTIFICATE OF SERVICE.

I hereby certify that a true and correct copy of the foregoing cross-interrogatories was on this 16th day of January, 1968, served upon counsel for each of the other parties herein by depositing same in the United States Mail, at Beaumont, Texas, in correctly addressed, stamped and sealed envelopes 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. John G. Tucker, Beaumont Savings Bldg., Beaumont, Texas, 77704; Mr. George Duncan, Beaumont Savings Building, Beaumont, Texas; and Mr. Gordon R. Pate, Beaumont Savings Building, Beaumont, Texas.

ATTORNEY FOR DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10737/5