IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS, BEAUMONT DIVISION.

FILED

FEB 14 1968

James R. Cooney, Clerk, U. S. Court

By Virginia K. Lewis DEPUTY

CLAUDE J. TOMPLAIT, PLAINTIFF, §

VS. §

COMBUSTION ENGINEERING, INC., §

ET AL, DEFENDANTS. §

CIVIL ACTION NO. 5402

ANSWERS OF DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION TO INTERROGATORIES UNDER RULE 33, FEDERAL RULES OF CIVIL PROCEDURE.

Now come the defendants, Combustion Engineering, Inc., and R & I Refractory and Insulation Corporation, in the above-entitled and numbered cause, and in answer to the interrogatories heretofore served upon them under Rule 33, Federal Rules of Civil Procedure, show the following:

1.

As to Combustion Engineering, Inc., from 1959 to December 31, 1967, it did not manufacture any type of insulating materials.

R & I Refractory and Insulation Corporation, which was acquired by purchase in June, 1963, by Combustion Engineering, Inc., but was operating as a separate legal entity, began, on or about April 2, 1964, to manufacture the following insulating materials, and has manufactured same up to the present time, to-wit:

(1) Griptex, a mineral fiber block insulation,consisting of mineral wool, packaged in cardboard cartons of about 3 cubic feet capacity.

(2) Detrick Blanket insulation, being spun mineral fibers felted in large flat sheets and encased between metal fabrics, consisting of mineral wool with wire facings, packaged in cardboard cartons of about 12 cubic feet capacity.

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(3) Detroc Asbestos Board, being asbestos board insulating material, comprised of Asbestos Portland Cement, packaged in crates of 10 sheets per crate.

(4) Detrick Easy Seal Cement, insulating cement comprised of mineral wool, asbestos and Portland cement, packaged in 40 pound bags.

(5) Detrick Bonding Cement, insulating cement, comprised of mineral wool, asbestos and Portland cement, packaged in 50 pound bags.

(6) Detrick Thinsuliner cement, insulating cement, comprised of mineral wool, asbestos and Portland cement, packaged in 50 pound bags.

(7) Detrick Pyroscat, light-weight fire-proofing protective treatment for structural steel, comprised of Portland cement, expanded perlite and clay, and being fire-proofing cement, packaged in 50 pound bags.

(8) Detrick casing cement, comprised of mineral wool, asbestos and Portland cement, packaged in 50 pound bags.

(9) Detrick T-60 Insulating Finish, insulating finish cement, comprised of mineral wool, asbestos and Portland cement, packaged in 50-pound bags.

(10) Detrick MHD Finishing Cement, finishing cement, consisting of mineral wool, asbestos and Portland cement, packaged in 50 pound bags.

(11) Detrick No. 7 Asbestos Cement, straight asbestos fiber cement, comprised of asbestos, packaged in 100-pound bags.

(12) Detrick Asbestos Ropes, consisting of two types, blue fiber rope and white fiber rope, comprised of long fiber amosite, finished in 100 foot coils 1/2 to 2 inches in diameter.

(13) Loose wool, comprised of wool fibers, packaged in 40-pound bags;

(14) Granulated wool, comprised of wool fibers, packaged in 40-pound bags.

(15) Slag Fiber, which is the material of which all mineral wool is made.

(16) Super No. 711 Mineral Wool Cement, insulating cement, comprised of asbestos and wool, packaged in 50-pound bags.

(17) Utility Thermal Finish Cement, thermal finishing cement, comprised of asbestos and wool, packaged in 50 pound bags.

(18) Hilite, insulating and finishing cement, comprised of mineral wool, asbestos and Portland cement, packaged in 50-pound bags.

Prior to the year 1959, but not since such year, R & I Refractory and Insulation Corporation manufactured the following insulating blocks:

(1) No. 12 insulating blocks, comprised of expanded perlite, cement binder, 5% amocite fiber, packaged in cardboard cartons of about 3 cubic feet capacity.

(2) No. 18 insulating block, comprisedof expanded vermiculite, cement, and diatomaceous clay, packaged in cardboard cartons of about 3 cubic feet capacity.

(3) No. 19 insulating blocks, comprised of expanded vermiculite, cement and diatomaceous clay, packaged in cardboard cartons of about 3 cubic feet capacity.

For the period from the year 1959 to the present time, R & I Refractory and Insulation Corporation has manufacturedthe following insulating materials:

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(1) Super Stic Tite, an insulating cement comprised of asbestos, wool, Portland cement and clay, packaged in 50-pound bags.

(2) Super Finish Stic Tite, finishing insulating cement, comprised of asbestos, wool, Portland Cement and clay, packaged in 50-pound bags.

(3) R & I Insulated Felt (Blankets), laminated sheets secured with galvanized wire, comprised of mineral wool, packaged in cardboard cartons of about 12 cubic feet capacity.

(4) Loose Wool, comprised of mineral wool, packaged in 40 pound bags.

(5) Stic Tite, insulating cement, comprised of asbestos and wool, packaged in 50-pound bags.

(6) Super Finish, insulating finish cement, comprised of asbestos, wool, Portland cement and clay, packaged in 40 pound bags.

(7) Pourinsul, granulated fibrous material, consisting of asbestos and wool, packaged in 40-pound bags.

(8) Packinsul, granulated mineral fibers, comprised of wool, packaged in 40-pound bags.

(9) Finish Stic Tite, insulating finish cement, comprised of wool and asbestos, packaged in 25 and 50 pound bags.

(10) Guninsul, insulating seal material, comprised of wool, banded vermiculite and clay, packaged in 50 pound bags.

(11) Castabloc, insulating pouring cement, comprised of wool, vermiculite and cement, packaged in 50 pound bags.

(12) Mix A, semi-expansion insulation, comprised of asbestos and wool, packaged in 50 pound bags.

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R & I Refractory and Insulation Corporation merged with Combustion Engineering, Inc., on December 31, 1967, and has since that time operated as a Division of Combustion Engineering, Inc.

2.

No warnings were required because the products and materials manufactured as aforesaid were not dangerous.

3.

No studies were made by either of the defendants as referred to in Interrogatory No. 3.

4.

No answer required.

5.

Defendant, Combustion Engineering, Inc., did not package and sell any of the products named in plaintiff's first amended complaint.

Defendant, R & I Refractory and Insulation Corporation did not package and sell any of the products named by trade name in plaintiff's first amended complaint but packaged and sold the products listed in answer to Interrogatory No. 1 to contractors throughout the United States, through representatives, distributors and direct salesmen, some of which products, as shown by the answer to Interrogatory No. 1, contained asbestos, mineral wool, wool and calcium silicate, and the answer to Interrogatory No. 1 is here referred to.

In addition to the products listed in answer to Interrogatory No. 1 above, R & I Refractory and Insulation Corporation sold (but did not package), the following products to contractors throughout the United States, through representatives, distributors and direct salesmen:

(1) Templite Type 600, mineral fiber block insulation consisting of mineral wool, obtained pre-packaged in cardboard cartons of about 6 cubic feet capacity.

(2) Detrick Felt, felted and bound mineral fibers, comprised of mineral wool and binder, obtained pre-packaged in cardboard cartons 6 to 8 cubic feet capacity.

(3) Duriseal, a blend of asphalt mastics, comprised of asphalt and asbestos fibers, obtained pre-packaged in drums of 5, 30 and 55 gallon capacity.

(4) Permiseal, insulating sealer and weather-coating, comprised of asphalt and asbestos fibers, obtained pre-packaged in drums of 5, 30 and 55 gallon capacity.

(5) Weathercoat, protective coating, comprised of asphalt and asbestos fibers, packaged in 5, 10, 55 gallon drums, and obtained pre-packaged.

(6) Calcium silicate, insulation for pipes, obtained pre-packaged.

Defendant, R & I Refractory and Insulation Corporation, however, did not package nor sell any of the products named in plaintiff's first amended original complaint to the employers or contractors performing the work on the contracts listed in the plaintiff's amended complaint.

6.

Defendant's products were used generally by the public and not confined to any specific location.

The Tomplait v. Combustion Engineering Case File (1962-1969), Response to plaintiff's interrogatories Published by AsbestosClaims.Law
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7.

No.

8.

No answer required, since Interrogatory No. 8 was deleted from the Interrogatories.

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

THE STATE OF TEXAS, §
§
COUNTY OF JEFFERSON. §

Charles S. Pipkin, being duly sworn, upon oath states that he is the attorney of record for the defendants, Combustion Engineering, Inc., and R & I Refractory and Insulation Corporation, 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.

SWORN TO AND SUBSCRIBED before me, the undersigned authority, this 14th day of February, 1968, to certify which witness my hand and seal of office.

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 14th day of February, 1968, served upon counsel for each of the other parties herein by depositing the same in the United States mail, in correctly addressed, stamped and sealed envelopes, to Mr. Ben L. Reynolds, Royston, Rayzor & Cook, 877 San Jacinto Bldg., Houston, Texas; Mr. Ward Stephenson, Stephenson Building, Orange, Texas; Mr. John G. Tucker, Orgain, Bell & Tucker, Beaumont Savings & Loan Building, Beaumont, Texas; Mr. John Rienstra, Beaumont Savings Building, Beaumont, Texas; Mr. George A. Weller, P.O. Box 350, Beaumont, Texas; Mr. George Duncan, Beaumont Savings Building, Beaumont, Texas; Mr. Gordon Pate, Beaumong Savings Building, Beaumont, Texas; Mr. James W. Mehaffy, San Jacinto Bldg., Beaumont,Texas.

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

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