IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS,

BEAUMONT DIVISION.

FILED

APR 4 - 1968 M

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

By DEPUTY

CLAUDE J. TOMPLAIT, PLAINTIFF, §

VS. §

CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., §

ET AL, DEFENDANTS. §

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 answer the Interrogatories heretofore served upon them by the plaintiff under Rule 33, Federal Rules of Civil Procedure, as follows:

No. 1: Neither Combustion Engineering, Inc., nor R & I Refractory and Insulation Corporation has had experiences which would lead to the conclusion that the products and materials manufactured by either of them are dangerous.

No. 2. Defendants had knowledge that it was understood in the medical profession that prolonged inhalation in sufficient concentration of asbestos fibers could cause the disease asbestosis, in some instances. However, it has been defendants' experience that if properly handled and used, asbestos fibers will not be inhaled. Further defendants say, in regard to the particular materials manufactured by either of them which

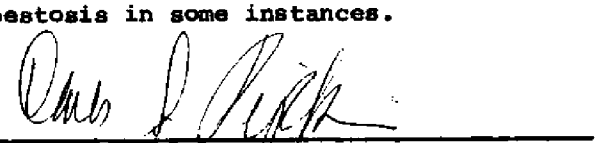
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contained asbestos or asbestos fibers, that the percentages of asbestos or asbestos figers in defendants' products are quite small and it is felt that the quantities used could not be dangerous to health.

No. 3. Defendants' products were not dangerous and required no precautionary warnings.

No. 4. Defendants deny that the products which they distributed containing asbestos were dangerous.

No. 5. In answer to plaintiff's previous interrogatory No. 7, these defendants stated, in effect, that they did not recognize that prolonged use of the insulating materials manufactured by them could cause or contribute to cause various occupational diseases including asbestosis, silicosis and dermatitis, as inquired about in previous interrogatory No. 7, and defendants do not so recognize. As to the cause of the disease asbestosis, defendants nor either of them are physicians or doctors, but they understand that it is medical opinion that if and when asbestos fibers are inhaled over a prolonged period of time, in such quantities as to cause an accumulation in the lungs, it might cause the disease of asbestosis in some instances.



ATTORNEY FOR DEFENDANTS,
COMBUSTION ENGINEERING, INC., AND
R & I REFRACTORY AND INSULATION
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THE STATE OF TEXAS, §

COUNTY OF JEFFERSON. §

Before me, the undersigned authority, on this day personally appeared Charles S. Pipkin, known to me to be a credible person, who, being by me first duly sworn, on oath deposes and says 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.

Chas S. Pipkin

SWORN TO AND SUBSCRIBED before me, the undersigned authority, this 3rd day of March, 1968, to certify which witness my hand and seal of office.

Lucia S. Pipkin

NOTARY PUBLIC IN AND FOR JEFFERSON COUNTY, TEXAS.

CERTIFICATE OF SERVICE.

A true and correct copy of the foregoing answers to interrogatories was on the 4th day of ~~March~~ April, 1968, served upon the plaintiff's attorneys of record, by placing same in a correctly addressed, stamped and sealed envelope, addressed to Stephenson, Thompson and Morris, Stephenson Building, Orange, Texas, plaintiff's attorneys of record, and by depositing same in the United States Mail at Beaumont, Texas.

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