JGT:DFG - 4/10/68

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
APR 23 1968
James R. Cooney, Clerk, U. S. Court
By Margaret Brewer DEPUTY

CLAUDE J. TOMPLAIT X

VS. X CIVIL ACTION 5402

COMBUSTION ENGINEERING, INC., ET AL X

CROSS-INTERROGATORIES TO BE PROPOUNDED TO THE OFFICE MANAGER OF THE ABER COMPANY, INC. IN BEHALF OF THE DEFENDANT, GUSTIN-BACON MANUFACTURING COMPANY

1.

Attached hereto marked Exhibit A is a copy of a letter dated March 17, 1964, signed by The Aber Company, Inc., Doyle G. Adair. State:

(a) Are the facts set forth in such letter true and correct?

(b) It is true, is it not, that the records of The Aber Company, Inc. do not show that Claude J. Tomplait ever worked with any insulation material manufactured by Gustin-Bacon Manufacturing Company, Inc.?

(c) It is true, is it not, that you do not know and have no way of determining the particular materials used by Mr. Tomplait during the period that he worked for your company?

2.

During the time that Mr. Tomplait worked for The Aber Company, Inc. were insulation materials furnished by more than one manufacturer used on the job?

3.

During the time that Mr. Tomplait worked for The Aber Company, Inc., do you have any actual knowledge of the manufacturer of the specific kind of insulation that Mr. Tomplait worked with?

4.

The 9th Direct Interrogatory asks that you give a full description of what the insulation consisted of. State:

(a) Did you ever have any of the insulation analyzed?

(b) What is the basis of your knowledge as to the constituents going to make up the insulation?

(c) It is true, is it not, that all of the insulation did not contain asbestos as one of its constituents?

(d) It is true, is it not, that some ofthe insulation with which Mr. Tomplait worked contained no asbestos whatsoever?

5.

Gustin-Bacon Manufacturing Company have answered under oath to interrogatories, stating that all insulation products manufactured by them were composed of glass fiber bonded with phenolic resin. If you have named any insulation materials in which asbestos constituted a portion thereof, and if your answer includes any products manufactured by Gustin-Bacon Manufacturing Company, please state:

(a) What is the basis for your testimony that insulation products manufactured by Gustin-Bacon Manufacturing Company contained asbestos in any form?

(b) State when, by whom and under what circumstances an analysis was made of the products manufactured by Gustin-Bacon Manufacturing Company.

(c) Did you make the analysis, or if not, who did?

(d) How did you go about determining whether asbestos constituted a portion of insulation material contained in the product sold by the various manufacturers thereof?

6.

State whether or not the employees of The Aber Company, Inc. engaged in insulation work had available for use respirators, if they desired to use them.

7.

State whether or not there was available for use by Mr. Tomplait during the time he was working for The Aber Company, Inc. respirators of approved types.

ORGAIN, BELL & TUCKER
Beaumont Savings Building
Beaumont, Texas
Attorneys for Defendant, Gustin-Bacon Manufacturing Company

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing cross-interrogatories to be propounded to the Office Manager of The Aber Company, Inc. was on the 10 day of April, 1968, served on 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; Mr. George Murphy, San Jacinto Building, Beaumont, Texas 77701.

Attorney for Gustin-Bacon Manufacturing Company

THE ABER COMPANY, INC.

SPECIALISTS IN INSULATION

3480 W. 12TH STREET
P. O. BOX 2683
HOUSTON, TEXAS.77001
PHONE: UN 9-4301

March 17, 1964

A

Mrs. Ann Smith
Dahl and Reed, Court Reporters
504 Houston First Savings Building
711 Fannin
Houston, Texas 77002

Dear Mrs. Smith:

The following answers are supplied to your interrogatories in Cause No. A-13-916, Claude J. Tomplait vs. The Travelers Insurance Company, et al:

No. 1 - Doyle GlennAdair
P. O. Box 2683
Houston, Texas 77001

No. 2 - The Aber Company, Inc. - Treasurer

No. 3 & 4 - 9-5-61 to 1-24-62, 3-14-62 to 5-2-62, 11-30-62 to 1-18-63

No. 5 - First and third interval - Gulf States Utilities Co., Bridge City, Texas - Second interval- Gulf Oil Corp., Port Arthur, Texas

No. 6 - Yes, in each case

No. 7 - Not applicable

No. 8 & 9 - We have no records which will show which particular materials were used by Mr. Tomplait in his work for our company. Our records reflect that the following types of insulating material were included in the material cost charged to the contracts involved in item No. 5 above:

Exhibit A

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Trade name	Description	Manufacturer
Keytherm	calcium silicate	Keasbey & Mattison Co. Ambler, Pa.
Aber 2 to 3	cement	Rockwool Mfg. Co. Leeds, Alabama
Sealfas 3149	mastic	Benjamin Foster Co. Ambler, Pa.
Aluminum ells	mastic	Huff Mfg. Co. Shreveport, La.
Foamglas	foamed silicate	Pittsburgh Corning Corp. One Gateway Center Pittsburgh, Pa.
Aluminum rolls	foamed silicate	Consolidated Gen. Prod. Co. Houston, Texas
Overkote	asphalt emulsion	American Petrofina Mt. Pleasant, Texas
Unibestos	asbestos fiber	Pittsburgh Corning Corp.
Climaseal	mastic	American Petrofina
Steel bands	mastic	Tech-Alloy, Inc. Houston, Texas
Aluminum seals	mastic	Stern Supply Co. Houston, Texas

Please call when you are ready to have the above information verified under oath.

Very truly yours,

THE ABER COMPANY, INC.

Doyle C. Adair

Doyle C. Adair

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CIVIL ACTION 5402

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC.,
ET AL

Cross-Interrogatories to be Propounded to the Office Manager of The Aber Company, Inc., in Behalf of the Defendant, Gustin-Bacon Manufacturing Company

ORGAIN, BELL & TUCKER
ATTORNEYS AT LAW
BEAUMONT, TEXAS

The Tomplait v. Combustion Engineering Case File (1962-1969), Interrogatories to the Aber Company
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