IN THE UNITED STATES DISTRICT COURT FOR

THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT	)	
VS	)	CIVIL ACTION NO. 5402
COMBUSTION ENGINEERING, INC., ET AL	)	

FILED

MAY 8 - 1968

M 19

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

By Marilyn G. Walker DEPUTY

ANSWERS TO DIRECT AND CROSS INTERROGATORIES
PAUL E. PETROFSKY
THE ABER COMPANY

(ORIGINAL)

75

Taxable Cost $ 37
Paid by Plaintiff

DAHL AND REED
COURT REPORTERS
HOUSTON FIRST SAVINGS BLDG.
HOUSTON, TEXAS

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

NOTICE

TO: Mr. Ben L. Reynolds (1) (2)
Royston, Rayzor and Cook
Attorneys at Law
877 San Jacinto Building
Houston, Texas 77002

Attorney for Defendant EAGLE-PICHER INDUSTRIES, INC.

Mr. John D. Rienstra (1) (3)
Attorney at Law
707 Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Defendant OWENS-CORNING FIBER GLASS CORPORATION

Mr. John Tucker (1) (2)
Attorney at Law
Orgain, Bell and Tucker
Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Defendant GUSTIN-BACON MANUFACTURING COMPANY

Mr. [illegible] A. Weller
Attorney at Law
P. O. Box 350
Beaumont, Texas 77701

Attorney for Defendant FIBERBOARD PAPER PRODUCTS CORPORATION

Mr. Charles S. Pipkin (1) (2)
Attorney at Law
P. O. Box 1632
Beaumont, Texas 77704

Attorney for Defendants COMBUSTION ENGINEERING, INC. and REFRACTORY & INSULATION CORPORATION

Mr. George E. Duncan (1) (2)
Attorney at Law
Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Defendants PITTSBURGH PLATE GLASS COMPANY and PITTSBURGH CORNING CORPORATION

Mr. Gordon R. Pate
Attorney at Law
1119 Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Defendants JOHNS-MANVILLE SALES CORPORATION, JOHNS-MANVILLE PRODUCTS CORPORATION, and JOHNS-MANVILLE FIBER GLASS, INC.

Gentlemen: Please take notice that the deposition of the Office Manager of The Aber Company, Inc., will be taken on behalf of the plaintiff upon certain interrogatories, of which a copy is herewith served upon you, and such cross-interrogatories as may be duly served herein, before Dahl & Reed, Court Reporters, Houston First Federal Building, Houston, Texas.

STEPHENSON, THOMPSON AND MORRIS
ORIGINAL SIGNED BY
WARD STEPHENSON

By_____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

INTERROGATORIES TO BE PROPOUNDED TO THE OFFICE MANAGER OR OTHER OFFICER OF THE ABER COMPANY, INC.

Interrogatories to be propounded to the Office Manager or other Officer of The Aber Company, Inc., a witness to be produced, sworn and examined on the part of the above-named plaintiff by Dahl & Reed, Court Reporters, Houston First Federal Building, Houston, Texas.

FIRST INTERROGATORY: Please state your full name and address.

SECOND INTERROGATORY: By whom are you employed and in what capacity?

THIRD INTERROGATORY: Please state the date that Claude J. Tomplait was employed by your company.

FOURTH INTERROGATORY: Please state the date or dates that the employment of Claude J. Tomplait with your company ended.

FIFTH INTERROGATORY: Please state the exact location or locations where Mr. Tomplait worked for your company. For example, the Bridge City Power House for Gulf States Utilities Company, or Gulf Oil Corporation project, Port Arthur, Texas, etc.

SIXTH INTERROGATORY: Please state whether or not Claude J. Tomplait was employed by you as an insulator.

SEVENTH INTERROGATORY: If Mr. Tomplait was not employed as an insulator, in what capacity was he employed?

EIGHTH INTERROGATORY: Please state exactly what types of insulation was used by Mr. Tomplait in his work for your company, giving the manufacturers' name and address.

NINTH INTERROGATORY: Please give the full description of what this insulation consisted of, such as asbestos, fiberglas, rock wool, foam glass, thermabestos, etc.

TENTH INTERROGATORY: Please state the names of any materials used by Mr. Tomplait in which asbestos constituted any portion, also giving the manufacturers' name and address.

STEPHENSON, THOMPSON AND MORRIS
ORIGINAL SIGNED BY
WARD STEPHENSON

By_____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CLAUDE J. TOMPLAIT		
VS.		CIVIL ACTION NO. 5420
COMBUSTION ENGINEERING, INC., et al		

CROSS INTERROGATORIES TO BE PROPOUNDED TO THE OFFICE MANAGER OF THE ABER COMPANY, INC. IN BEHALF OF THE DEFENDANT, PITTSBURGH CORNING CORPORATION

I.

Attached hereto and marked Exhibit A is a copy of a letter dated March 17, 1964, signed by Mr. Doyle G. Adair of the Aber Company, Inc. Please state the following:

(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 Pittsburg Corning Corporation?

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

II.

It is true, is it not, that during the period that Mr. Tomplait worked for the Aben Company, Inc. insulation materials were furnished by ten (10) or more different manufacturers?

III.

During the period that Mr. Tomplait was employed by the Aber Company, Inc., do you have any actual knowledge of the manufacturer of the specific kind of insulation with which Mr. Tomplait worked?

IV.

If your answer to the preceeding interrogatory is negative, then of course, it is true is it not that you are unable to answer the eighth

interrogatory propounded by the Plaintiff?

V.

The Plaintiff's ninth interrogatory requests that you give the full description of what this insulation consisted of, and if your answer to interrogatory no. III propounded by this Defendant is in the negative, then it is true, is it not, that you are in no position to answer the ninth interrogatory propounded by the Plaintiff.

VI.

In further referring to direct interrogatory no. 9, if you have answered the same, then please answer the following:

(a) Did you or any person connected with your company have any of the insulation materials analyzed?

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

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

VII.

If you have named any insulation materials in which asbestos constituted a portion thereof, and if your answer includes any products manufactured by Pittsburg Corning Corporation, please state the following:

(a) State when, by whom and under what circumstances an analysis was made by your company of the products manufactured by Pittsburg Corning Corporation.

(b) Did you or any one connected with your company make the analysis or if not, who did.?

VIII.

During the period of time that Mr. Tomplait was employed by the Aber Company, Inc. please state whether or not the employees of the Aber Company, Inc., who were engaged in insulation work, had available for their use respirators, if they desired to use them.

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IX.

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.

WELLS, DUNCAN AND BEARD

By George E. Duncan
515 Beaumont Savings Building
Beaumont, Texas 77701

Attorneys for Defendant
Pittsburg Corning Corporation

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 19th 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. John L. Tucker, Orgain, Bell and Tucker, Beaumont Savings Building, Beaumont, Texas; Mr. Ben L. Reynolds, Royston, Rayzor and 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. Gordon Pate, Beaumont Savings Building, Beaumont, Texas, 77701; Mr. James W. Mahaffy, San Jacinto Building, Beaumont, Texas, 77701; Mr. George Murphy, San Jacinto Building, Beaumont, Texas, 77701.

George E. Duncan
George E. Duncan

Attorney for
Pittsburg Corning Corporation

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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 1-16-63

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:

Trade name	Description	Manufacturer
Kaytherm	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	formed 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	Tec-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

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT		
VS.		CIVIL ACTION 5402
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

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 GlennAlair
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

Trade name	Description	Manufacturer
Kaythern	calcium silicate	Kenebey & Hattison Co. Ambler, Pa.
Aber 2 to 3	cement	Rockwool Mfg. Co. Leeds, Alabama
Sealfas 3189	mastic	Benjamin Foster Co. Ambler, Pa.
Aluminum cells	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 G. Adair

Doyle G. Adair

IN THE UNITED STATES DISTRICT COURT FOR

THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT	X	
VS	X	CIVIL NO. 5402
COMBUSTION ENGINEERING, INC., ET AL	X	

ANSWERS AND DEPOSITION OF PAUL E. PETROFSKY, Office Manager or other Officer of The Aber Company, Inc., taken on behalf of the Plaintiff to the accompanying direct interrogatories propounded to him in connection with the above styled and numbered cause, taken before Ronald D. Miller, a Notary Public in and for Harris County, Texas, taken on the 23rd day of April, 1968, at Houston, Texas, pursuant to the commission attached hereto.

Also attached hereto are the answers of the witness, Paul E. Petrofsky, to the cross-interrogatories taken on behalf of the Defendant, Pittsburg Corning Corporation; together with answers to cross-interrogatories in behalf of the Defendant Gustin-Bacon Manufacturing Company.

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PAUL E. PETROFSKY,

being duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in answer to the direct and cross interrogatories as hereinafter indicated, deposes and says as follows:

DIRECT INTERROGATORIES

QUESTION NO. 1:

Please state your full name and address.

ANSWER:

Paul E. Petrofsky, 3480 West 12th.

QUESTION NO. 2:

By whom are you employed and in what capacity?

ANSWER:

The Aber Company, Incorporated. I am the president.

QUESTION NO. 3:

Please state the date that Claude J. Tomplait was employed by your company.

ANSWER:

Approximately 1961. I don't have any records past that.

QUESTION NO. 4:

Please state the date or dates that the employment

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of Claude J. Tomplait with your company ended.

ANSWER:

Ended with the payroll period of January 21, 1963.

QUESTION NO. 5:

Please state the exact location or locations where Mr. Tomplait worked for your company. For example, the Bridge City Power House for Gulf States Utilities Company, or Gulf Oil Corporation project, Port Arthur, Texas, etc.

ANSWER:

He worked for us at Bridge City, Stone-Webster. That's the only one I am familiar with at the present time.

QUESTION NO. 6:

Please state whether or not Claude J. Tomplait was employed by you as an insulator.

ANSWER:

Yes.

QUESTION NO. 7:

If Mr. Tomplait was not employed as an insulator, in what capacity was he employed?

ANSWER:

(Not applicable.)

QUESTION NO. 8:

Please state exactly what types of insulation

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was used by Mr. Tomplait in his work for your company, giving the manufacturers' name and address.

ANSWER:

Our prime material was calcium silicate insulation manufactured by Keesby & Madison, Ambler, Pennsylvania. They are no longer in business. That was the basic material. There ~~are~~ WERE all kinds of different materials. ~~He~~ WE probably had some fiberglass, some unibestos. We applied, also, materials that were furnished through Westinghouse. I believe Johns-Manville furnished those materials.

QUESTION NO. 9:

Please give the full description of what this insulation consisted of, such as asbestos, fiberglass, rock wool, foam glass, thermabestos, etc.

ANSWER:

Well, that's just what we did, calcium silicate basically was our basic insulation.

QUESTION NO. 10:

Please state the names of any materials used by Mr. Tomplait in which asbestos constituted any portion, also giving the manufacturers' name and address.

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ANSWER:

~~He applied the calcium silicate~~. I really couldn't answer that completely. He applied --, ~~I am~~ assuming he was ~~the~~ A mechanic on the job, He worked ~~on~~ WITH all kinds of material that was available on the job site, whether it be insulating cement blocks and whatnot.

CROSS INTERROGATORIES
In behalf of the Defendants Pittsburgh Corning Corporation

QUESTION NO. 1:

Attached hereto and marked Exhibit A is a copy of a letter dated March 17, 1964, signed by Mr. Doyle G. Adair of the Aber Company, Inc. Please state the following:

(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 Pittsburg Corning Corporation?

(c) It is true, is it not, that you have no way of determining the particular materials with which Mr. Tomplait worked during the period

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that he worked for your company?

ANSWER:

(a) As far as showing who he is and what his position is, and Item 8 and 9 showing all the list of materials, that's all true.

(b) He was available on jobs where those materials from those people were furnished. Whether he worked with them or not, we don't have any way of knowing.

(c) That's just what I answered.

QUESTION NO. 2:

It is true, is it not, that during the period that Mr. Tomplait worked for the Aber Company, Inc., insulation materials were furnished by ten (10) or more different manufacturers?

ANSWER:

That's true.

QUESTION NO. 3:

During the period that Mr. Tomplait was employed by the Aber Company, Inc., do you have any actual knowledge of the manufacturer of the specific kind of insulation with which Mr. Tomplait worked?

ANSWER:

No.

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QUESTION NO. 4:

If your answer to the preceding interrogatory is negative, then of course, it is true is it not that you are unable to answer the eighth interrogatory propounded by the Plaintiff?

ANSWER:

We know what were available at the jobs, but we don't know exactly what he used.

QUESTION NO. 5:

The Plaintiff's ninth interrogatory requests that you give the full description of what this insulation consisted of, and if your answer to interrogatory No. 3 propounded by this Defendant is in the negative, then it is true, is it not, that you are in no position to answer the ninth interrogatory propounded by the Plaintiff.

ANSWER:

That's true.

QUESTION NO. 6:

In further referring to direct interrogatory No. 9, if you have answered the same, then please answer the following:

(a) Did you or any person connected with your company have any of the insulation materials analyzed?

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

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

ANSWER:

(a) I don't know what they are talking about. We haven't hired any lab to run anything.

(b) That's true.

(c) That we don't know.

QUESTION NO. 7:

If you have named any insulation materials in which asbestos constituted a portion thereof, and if your answer includes any products manufactured by Pittsburg Corning Corporation, please state the following:

(a) State when, by whom and under what circumstances an analysis was made by your company of the products manufactured by Pittsburg Corning Corporation.

(b) Did you or any one connected with your company made the analysis or if not, who did?

ANSWER:

(a) No analysis.

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(b) No analysis.

QUESTION NO. 8:

During the period of time that Mr. Tomplait was employed by the Aber Company, Inc. please state whether or not the employees of the Aber Company, Inc., who were engaged in insulation work, had available for their use respirators, if they desired to use them.

ANSWER:

I assume they are always available. They are available on all our jobs.

QUESTION NO. 9:

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.

ANSWER:

To the best of my knowledge we have them always available. I don't know what they consider approved types. We buy commercially made respirators.

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CROSS INTERROGATORIES
In behalf of the Defendant, Gustin-Bacon Manufacturing Company

QUESTION NO. 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?

ANSWER:

(a) As far as showing who he is and what his position is, and Item 8 and 9 showing all the list of materials, that's all true.

(b) Doesn't show either way whether he did or didn't.

(c) That's true.

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QUESTION NO. 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?

ANSWER:

Yes.

QUESTION NO. 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?

ANSWER:

No.

QUESTION NO. 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

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of its constituents?

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

ANSWER:

(a) No.

(b) Just as published by manufacturers' data.

(c) That's true.

(d) I don't know.

QUESTION NO. 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

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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?

ANSWER:

(a) I haven't made any testimony.

(b) None made.

(c) No analysis.

(d) (Not applicable).

QUESTION NO. 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.

ANSWER:

Yes.

QUESTION NO. 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.

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ANSWER:

Same answer as No. 7 on the Duncan Cross-Interrogatory.

Paul E. Petrofsky

THE STATE OF TEXAS:

COUNTY OF HARRIS:

SUBSCRIBED AND SWORN TO BEFORE ME on this the 29th day of April, 1968.

Helen L. Jacob
Notary Public in and for Harris County, Texas

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THE STATE OF TEXAS:

COUNTY OF HARRIS:

I, RONALD D. MILLER, a Notary Public in and for Harris County, Texas, do hereby certify that the facts as stated in the caption hereto are true; that the foregoing answers of the witness, Paul E. Petrofsky, were by said witness made before me, and were sworn to and subscribed by him.

Ronald D. Miller, Notary Public
in and for Harris County, Texas

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