IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

JUN 3 1968

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

By Virginia R. Lee DEPUTY

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL ACTION NO. 5402

CROSS-INTERROGATORIES OF THE UNDERSIGNED DEFENDANTS TO BE PROPOUNDED TO DR. STANTON P. FISCHER

The undersigned defendants hereby submit the following cross-interrogatories to be propounded to Dr. Stanton P. Fischer, a witness called by the plaintiff:

Cross-Interrogatory No. 1: Did Claude J. Tomplait on April 27, 1968, give you a history that he had been subjected to exposures to asbestos and asbestos dust during the twenty years preceding the date of your examination?

Cross-Interrogatory No. 2: Did Claude J. Tomplait on the 27th day of April, 1968, give you a history of occupational exposure to silica dust from insulation materials during the twenty years preceding such date of April 27, 1968?

Cross-Interrogatory No. 3: Did Claude J. Tomplait give you a history on April 27, 1968, that for a period of ten years he had a condition of increasing breathlessness and non-productive cough?

Cross-Interrogatory No. 4: Did you study X-rays of the patient, Claude J. Tomplait, which were made on or about April 27, 1968?

Cross-Interrogatory No. 5: By whom were these X-rays taken?

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Cross-Interrogatory No. 6: Did you read these X-rays yourself, or do you rely upon the report of some third party?

Cross-Interrogatory No. 7: Please deliver to the reporter each and all of the X-rays which you examined and upon which you rely.

Cross-Interrogatory No. 8: Did you examine any X-rays other than those which were taken on or about April 27, 1968, for comparative purposes?

If you state you did examine other X-rays, please give the date on which they were taken and by whom.

Cross-Interrogatory No. 9: Are you associated with the Kelsey-Seybold Clinic, 6624 Fannin Street, Houston, Texas?

Cross-Interrogatory No. 10: Prior to the time of examining Claude J. Tomplait on April 27, 1968, had you examined the records of the Kelsey-Leary-Seybold Clinic which reflected an examination of Claude J. Tomplait by Dr. W. V. Leary, who was then associated with the clinic?

Cross-Interrogatory No. 11: Did you examine any X-rays or X-ray reports which were made by Dr. W. V. Leary or at his request on or about October 19, 1962, at the time of Dr. Leary's examination?

If you state that you did examine reports or X-rays or X-ray reports, then please attach a copy of each and all of the X-ray reports and attach the original X-rays to this deposition; that is, deliver the X-rays to the court reporter.

Cross-Interrogatory No. 12: Please compare the X-rays taken by Dr. Leary at the time of his examination in 1962 with the X-rays taken by you in 1968, and state what each X-ray shows and the comparative results of the X-rays. Be sure to identify each X-ray by date.

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Cross-Interrogatory No. 13: Please examine the records of the Kelsey-Leary-Seybold Clinic made on or about October 19, 1962, and any letter reports thereafter concerning the examination of Claude J. Tomplait by Dr. W. V. Leary, and attach copies to this deposition.

Cross-Interrogatory No. 14: Have you examined X-ray films which were taken at Orange Memorial Hospital, Orange, Texas, on July 26, 1961?

Cross-Interrogatory No. 15: Will you examine the X-ray films which were taken at Orange Memorial Hospital, Orange, Texas, dated July 26, 1961, and give your interpretation of what is revealed by these films?

Cross-Interrogatory No. 16: After you have examined the X-ray films of July 26, 1961, taken at the Orange Memorial Hospital, then compare these films with the films taken at the time of your examination on April 27, 1968.

After comparing these X-rays, please state:

(a) Do the X-rays of July 26, 1961, taken at the Orange Memorial Hospital show pulmonary fibrosis secondary to inhalation of probably asbestos fibers and silicates which contain some degree of silica?

(b) If you had a history on July 26, 1961, that Claude J. Tomplait had been working for the past twenty-one years in the insulation business and his job consisted of installing insulation materials of various kinds, including asbestos, foamglass, fiberglass, rock wool, magnesium silicates and various other types of insulation materials, could you differentiate as to whether the X-rays revealed silica or asbestos fibers?

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(c) If you state that you could differentiate, then state what the X-rays dated 7/26/61 show in your opinion.

Cross-Interrogatory No. 17: In your opinion, will dust from foamglass, fiberglass, rock wool, magnesium silicates, or other types of insulation materials cause or produce silicosis?

Cross-Interrogatory No. 18: Assuming that Claude J. Tomplait, after August 1, 1961, continued to subject himself to exposures of asbestos dust, foamglass, fiberglass, and other types of insulation materials, can you state, based upon your physical examination of Mr. Tomplait and a comparison of the condition of Claude J. Tomplait as revealed by the X-rays dated July 26, 1961, and the X-rays taken by you or at your request on April 27, 1968, whether the X-rays of April 27, 1968, reflect a greater density of material or silica in the lungs in 1968 than appeared in August of 1961?

Cross-Interrogatory No. 19: In your opinion, did the continued exposures of Claude J. Tomplait to asbestos dust and foamglass and fiberglass and other insulation materials, aggravate and accentuate the condition which existed in August of 1961?

Respectfully submitted, this 3 day of June, 1968.

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