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		

ANSWERS TO DIRECT INTERROGATORIES
WILLIAM O. DAILY

(ORIGINAL)

FILED
JUN 4 1968
M 19
James R. Cooney, Clerk, U. S. Court
By Virginia K. Jones DEPUTY

Taxable Costs: $37.50
Paid by Plaintiff

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

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STATE OF TEXAS :
:
COUNTY OF HARRIS :

TO THE SHERIFF OR ANY CONSTABLE OF HARRIS COUNTY, GREETING:
You are hereby required and commanded at the instance of the Plaintiff to summon William O. Daily, who resides in your county, to be and appear before the undersigned or other notary public in and for Harris County, Texas, on the _____ day of May, 1968, at _____ in the office of William O. Daily, Armstrong Contracting & Supply Corp., 7310 Ardmore, Houston, Texas then and there to answer (oral, written) interrogatories propounded to him (her) by counsel in a suit styled Claude J. Tomplait Vs. Combustion Engineering, Inc., et al being numbered C.A. NO. 5402 on the docket of the U. S. District ~~District Court~~ of Beaumont Div. ~~County~~, Texas, and that he (she) continue in his (her) attendance from day to day until discharged by me, all in accordance with a commission issued out of said court, on the _____ day of _____, 19___.

HEREIN FAIL NOT, but have you then and there this Writ before me showing how you have executed the same.

GIVEN under my hand and seal of office, and issued, this the _____ date of May, 1968.

T. S. Williams, Jr.
Notary Public in and for Harris County, Texas

SHERIFF'S OR CONSTABLE'S RETURN

Came to hand the _____ day of _____, 19___, at ____ m., and executed the _____ day of _____, 19___, at ____ m., by serving a true copy of the within Writ on _____, in _____ County, Texas, and tendering _____ (1.00) One dollar, which _____ accepted.

_____
SHERIFF OR CONSTABLE
_____ County, Texas
By: _____
Deputy

Fees: Summoning witness $_____
Mileage $_____
Total $_____

Return to: Dahl & Reed
507 Houston First Savings Bldg.
711 Fannin Street
Houston, Texas 77002
CA 5-0551

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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
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
Attorney at Law
707 Beaumont Savings Building
Beaumont, Texas 77701

Attorney for Defendant OWENS-CORNING FIBER GLASS CORPORATION

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

Attorney for Defendant GUSTIN-BACON MANUFACTURING COMPANY

Mr. George A. Weller
Attorney at Law
P. O. Box 350
Beaumont, Texas 77701

Attorney for Defendant FIBERBOARD PAPER PRODUCTS CORPORATION

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

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

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Mr. George E. Duncan
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 PRODUCTS CORPORATION and JOHNS-MANVILLE FIBER GLASS, INC.

Gentlemen: Please take notice that the deposition of the Office Manager or Other Officer of Armstrong Contracting & Supply Corporation, 7310 Ardmore, Houston, Texas, will be taken on behalf of the plaintiff upon certain written 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 Savings Building, Houston, Texas.

STEPHENSON, THOMPSON AND MORRIS
ORIGINAL SIGNED BY
WARD STEPHENSON

By_____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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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	:	9310

INTERROGATORIES TO BE PROPOUNDED TO THE OFFICE MANAGER OR OTHER OFFICER OF ARMSTRONG CONTRACTING & SUPPLY CORPORATION

Interrogatories to be propounded to the Office Manager or Other Officer of Armstrong Contracting & Supply Corporation, 7310 Ardmore, Houston, Texas, a witness to be produced, sworn and examined on the part of the above named plaintiff by Dahl & Reed, Court Reporters, Houston, Texas:

FIRST INTERROGATORY: Since the year 1950, has Claude J. Tomplait been employed by your company on one or more jobs?

SECOND INTERROGATORY: If so, please state whether or not insulating materials containing asbestos were either used by Mr. Tomplait or by others working on the same job?

THIRD INTERROGATORY: Have you, as an employer of insulators, ever received any warnings or precautions for use to instruct your employees doing insulating work to follow concerning the harmful nature of asbestos, or asbestos fibers, or asbestos dust?

FOURTH INTERROGATORY: If you have answered the preceding interrogatory "Yes" then please give the details of such warnings or notices giving the wording and where and when such warnings were given.

FIFTH INTERROGATORY: If you have answered the preceding question that such warnings were given, then please state what action you took in response to such warnings to safe guard your workers using or working around asbestos materials.

STEPHENSON, THOMPSON AND MORRIS

ORIGINAL SIGNED

WARD STEPHENSON

By _____

Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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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	

ANSWERS AND DEPOSITION OF WILLIAM O. DAILY, 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 T. S. Williams, Jr., a Notary Public in and for Harris County, Texas, taken on the 16th day of May, 1968, at Houston, Texas, pursuant to the notice attached hereto.

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WILLIAM O. DAILY,

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

DIRECT INTERROGATORIES

QUESTION NO. 1:

Since the year 1950, has Claude J. Tomplait been employed by your company on one or more jobs?

ANSWER:

Yes.

QUESTION NO. 2:

If so, please state whether or not insulating materials containing asbestos were either used by Mr. Tomplait or by others working on the same job?

ANSWER:

I really don't know.

QUESTION NO. 3:

Have you, as an employer of insulators, ever received any warnings or precautions for use to instruct your employees doing insulating work to follow concerning the harmful nature of asbestos

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or asbestos fibers, or asbestos dust?

ANSWER:

Not to the best of my knowledge.

QUESTION NO. 4:

If you have answered the preceding interrogatory "Yes" then please give the details of such warnings or notices giving the wording and where and when such warnings were given.

ANSWER:

Question not applicable.

QUESTION NO. 5:

If you have answered the preceding question that such warnings were given, then please state what action you took in response to such warnings to safe guard your workers using or working around asbestos materials.

ANSWER:

Question not appliceble.

William O. Daily

William O. Daily

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THE STATE OF TEXAS:

COUNTY OF HARRIS:

SUBSCRIBED AND SWORN TO BEFORE ME this the 16 day of May, 1968.

T. S. Williams, Jr., Notary Public
In and for Harris County, Texas

THE STATE OF TEXAS:

COUNTY OF HARRIS:

I, T. S. WILLIAMS, JR., 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, William O. Dally, were by said witness made before me, and were sworn to and subscribed by him before me.

T. S. Williams, Jr., Notary Public
In and for Harris County, Texas

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