IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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

ANSWERS TO DIRECT INTERROGATORIES
PAUL E. PETROFSKY

(ORIGINAL)

FILED
M JUN 4 1968 19
James R. Cooney, Clerk, U. S. Court
By Margaret R. Ross
DEPUTY

Taxable Costs: $ 37.50
Paid By Plaintiff

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

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 Paul E. Petrofsky, 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, 19 68, at _____ in the office of The Aber Company, 3480 West 12th, 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 United States 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 T. S. Williams, Jr.

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

INTERROGATORIES TO BE PROPOUNDED TO PAUL E. PETROFSKY, PRESIDENT OF THE ABER COMPANY

Interrogatories to be propounded to Paul E. Petrofsky, President of The Aber Company, a witness to be produced, sworn and examined on the part of the above-named plaintiff by Dahl & Reed, Court Reporters, Houston First Savings Building, Houston, Texas.

FIRST INTERROGATORY: Your name is Paul E. Petrofsky and you are President of The Aber Company?

SECOND INTERROGATORY: Did any of the manufacturers of insulating materials containing asbestos ever give you any warning of the dangerous nature of asbestos fibers, with particular reference to whether or not prolonged inhalation of asbestos fibers would cause the disease of asbestosis?

THIRD INTERROGATORY: If any of the manufacturers did give you such notice, then please state what manufacturer gave such notice, and the exact wording of such notice, and by what method was it given, that is, in writing, orally, or otherwise, and if in writing, where was such writing placed, on the containers of the insulating materials, or where?

FOURTH INTERROGATORY: Did any of the manufacturers of insulating products advise safe guards for your company to transmit to the workers using such products? If so, please give the details and exact wording.

FIFTH INTERROGATORY: Do you have any evidence that respirators furnished by your company were built of such a design and of such a nature that they could be worn by the insulators without irritation and that the respirators were proved by any agency of the Government or any Safety Department as a preventive measure against the inhalation of asbestos fibers?

SIXTH INTERROGATORY: It is true, is it not, that frequently insulators may be working with one type of material but yet other insulators working in the same area may be using materials containing asbestos, and the asbestos dust and particles fill the air so that they might be inhaled by anyone working within the area?

SEVENTH INTERROGATORY: Your company has applied many times in the past on many jobs insulating materials containing asbestos, has it not?

EIGHTH INTERROGATORY: In a previous interrogatory submitted to you, you answered that during the period Claude J. Tomplait worked for The Aber Company, insulation materials were furnished by ten or more different manufacturers. Please give the names and addresses of such manufacturers that manufactured insulating materials containing asbestos.

NINTH INTERROGATORY: In a previous deposition answered by Doyle Glen Adair, he stated: ". . . 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 (referring to Gulf States Utilities Co., Bridge City, Texas, and Gulf Oil Corp., Port Arthur, Texas):

Trade Name	Description	Manufacturer
Kaytherm	calcium silicate	Keasbey & Mattison Co., Ambler, Pa.
Aber 2 to 3	cement	Rockwool Mfg. Co., Leeds, Alabama

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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	Techalloy, Inc. Houston, Texas
Aluminum seals	mastic	Stern Supply Co. Houston, Texas."

Please state if you agree with this answer and if it is true.

TENTH INTERROGATORY: Being in the insulating business, do you know of anyone in a better position to know or to have ascertained the dangerous nature of asbestos products than the manufacturers of such asbestos products?

STEPHENSON, THOMPSON AND MORRIS

ORIGINAL SIGNED BY
WARD STEPHENSON

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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CLAUDE J. TOMPLAIT	:	
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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

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 Paul E. Petrofsky, President of The Aber Company, 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 and Reed, Court Reporters, Houston First Savings Building, Houston, Texas.

STEPHENSON, THOMPSON & MORRIS

ORIGINAL SIGNED BY
WARD STEPHENSON

By_____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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COMBUSTION ENGINEERING, INC., ET AL	I	

ANSWERS AND DEPOSITION OF PAUL E. PETROFSKY, 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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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 interrogatories as hereinafter indicated, deposes and says as follows:

DIRECT INTERROGATORIES

QUESTION NO. 1:

Your name is Paul E. Petrofsky and you are President of The Aber Company?

ANSWER:

Yes.

QUESTION NO. 2:

Did any of the manufacturers of insulating materials containing asbestos ever give you any warning of the dangerous nature of asbestos fibers, with particular reference to whether or not prolonged inhalation of asbestos fibers would cause the disease of asbestosis?

ANSWER:

No.

QUESTION NO. 3:

If any of the manufacturers did give you such notice, then please state what manufacturer gave such notice, and the exact wording of such notice,

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and by what method was it given, that is, in writing, orally, or otherwise, and if in writing, where was such writing placed, on the containers or the insulating materials, or where?

ANSWER:

Question not applicable.

QUESTION NO. 4:

Did any of the manufacturers of insulating products advise safe guards for your company to transmit to the workers using such products? If so, please give the details and exact wording.

ANSWER:

I don't know.

QUESTION NO. 5:

Do you have any evidence that respirators furnished by your company were built of such a design and of such a nature that they could be worn by the insulators without irritation and that the respirators were proved by any agency of the Government or any Safety Department as a preventive measure against the inhalation of asbestos fibers?

ANSWER:

I don't know.

QUESTION NO. 6:

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It is true, is it not, that frequently insulators may be working with one type of material but yet other insulators working in the same area may be using materials containing asbestos, and the asbestos dust and particles fill the air so that they might be inhaled by anyone working within the area?

ANSWER:

It is true.

QUESTION NO. 7:

Your company has applied many times in the past on many jobs insulating materials containing asbestos, has it not?

ANSWER:

Yes.

QUESTION NO. 8:

In a previous interrogatory submitted to you, you answered that during the period Claude J. Tomplait worked for The Aber Company, insulation materials were furnished by ten or more different manufacturers. Please give the names and addresses of such manufacturers that manufactured insulating materials containing asbestos.

ANSWER:

Keasbey and Mattison, Ambler, Pennsylvania;

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Pittsburgh Corning Corporation; American Petrofina, Mt.Pleasant, Texas; That's all I can think of at this time.

QUESTION NO. 9:

In a previous deposition answered by Doyle Glen Adair, he stated: "... 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 (referring to Gulf States Utilities Co., Bridge City, Texas, and Gulf Oil Corp., Port Arthur, Texas):

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	foamed silicate	Consolidated Gen. Prod. Co., Houston, Texas.

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Overkote	asphalt emulsion	American Petrofina Mt. Pleasant, Texas
Unibestos	asbestos fiber	Pittsburgh Corning Corp.
Climaseal	mastic	American Petrofina
Steel bands	mastic	Techalloy, Inc. Houston, Texas
Aluminum seals	mastic	Stern Supply Co. Houston, Texas

Please state if you agree with this answer and if it is true.

ANSWER:

It is true. I agree with those except Aluminum ells. It says it is mastic. It is not a mastic. It is just aluminum ells. This refers to Aluminum rolls as foamed silicate. It is not. It is just Aluminum. Steel bands is not mastic. It is just ~~Aluminum~~ STEEL. GP

QUESTION NO. 10:

Being in the insulating business, do you know of anyone in a better position to know or to have ascertained the dangerous nature of asbestos products than the manufacturers of such asbestos products?

ANSWER: GP.

I assume the medical doctors & technicians would know better than the manufacturers.

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Paul E. Petrofsky

THE STATE OF TEXAS:

COUNTY OF HARRIS:

SUBSCRIBED AND SWORN TO BEFORE ME on 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, Paul E. Petrofsky, 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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