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	

FILED
JUL 12 1968
____M _____ 19____
James R. Cooney, Clerk, U. S. Court
By Hazel E. Studdard DEPUTY

ANSWERS TO DIRECT AND CROSS INTERROGATORIES
DR. STANTON P. FISCHER

(ORIGINAL)

Taxable Cost $ 39 50
Paid by Plaintiff

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

SUBPOENA DUCES TECUM

STATE OF TEXAS :
COUNTY OF :

TO THE SHERIFF OR ANY CONSTABLE OF Harris COUNTY, GREETING:

You are hereby required and commanded at the instance of the Plaintiff to summon Dr. Stanton P. Fischer who resides in your county, to be and appear before the undersigned or other notary public in and for Harris County, Texas, on the 8th day of July, at in the office of Dr. Fischer, 6624 Fannin, Houston, Tex.

then and there to answer ~~oxax~~ (written) interrogatories propounded to him by counsel in a suit styled Claude J. Tomplain vs. Combustion Engineering, Inc., et al.

being numbered 5402 on the docket of the U.S. District Court ~~of~~ Eastern Dist. County, Texas, and to bring with him the following:

Medical records concerning
Claude J. Tomplain

And that he continue his attendance from day to day until discharged by me, all in accordance with a commission issued out of said court on the 27th day of May, 1968.

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 8th day of July, A.D., 1968.

Lee Richards
Notary Public in and for
Harris County, Texas
Lee Richards

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.

Fees:
Summoning witness $____
Mileage $____
Total $____

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

Return to:
Dahl & Reed
504 Houston First Savings Bldg.
711 Fannin Street
Houston, Texas 77002
CA 5-[illegible]

KEMPER W. STEPHENSON, 1966
WARD STEPHENSON
HARLIN THOMPSON
JAMES A. MORRIS
JOHN CASH SMITH

Law offices of STEPHENSON, THOMPSON AND MORRIS

STEPHENSON BUILDING / ORANGE, TEXAS 77630

May 27, 1968

Dahl and Reed
Court Reporters
Houston First Savings Building
Houston, Texas 77001

Re: Civil No. 5402, Claude J. Tomplait vs. Combustion Engineering, Inc., et al

Gentlemen:

We are enclosing interrogatories to be propounded to Dr. Stanton P. Fischer, Kelsey-Seybold Clinic, 6624 Fannin Street, Houston, Texas. Please allow ten days for the defendants to file any cross-interrogatories, and then make an appointment with Dr. Fischer to obtain his answers to our interrogatories or any cross-interrogatories received by you from the defendants.

It will be appreciated if you will prepare one copy of Dr. Fischer's answers to all questions for our firm.

Please also advise the status of obtaining the answers to the interrogatories of the six former employers of Mr. Tomplait, which were mailed to you some time ago.

Yours truly,

STEPHENSON, THOMPSON AND MORRIS

Ward Stephenson

Ward Stephenson

WS:jb
Encl.

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. [illegible] Pipkin
Attorney at Law
P. O. Box 1632
Beaumont, Texas 77704

Attorneys 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 Dr. Stanton P. Fischer, 6624 Fannin Street, 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 and Reed, Court Reporters, Houston First Savings Building, Houston, Texas.

STEPHENSON, THOMPSON AND MORRIS

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 DR. STANTON P. FISCHER BY PLAINTIFF

Interrogatories to be propounded to Dr. Stanton P. Fischer, a witness to be produced, sworn and examined on the part of the above-named plaintiff by Dahl and Reed, Court Reporters, Houston First Savings Building, Houston, Texas:

FIRST INTERROGATORY:	Please state your name, residence and place of business.
SECOND INTERROGATORY:	Please state your profession.
THIRD INTERROGATORY:	Please state whether or not your license to practice medicine is on record in some county in the State of Texas, and if so, state which county.
FOURTH INTERROGATORY:	Please state whether or not you had occasion to examine Claude J. Tomplait, and if so, on what date or dates.
FIFTH INTERROGATORY:	Was the examination of Claude J. Tomplait arranged for by Attorney Ben Reynolds of Houston, Texas?
SIXTH INTERROGATORY:	Please state who paid you for your examination and report of this patient.
SEVENTH INTERROGATORY:	Attached you will find a Xerox copy of your report. Will you please state whether or not this is indeed an accurate, true copy of the report of your examination of this patient?

EIGHTH INTERROGATORY: Are the statements, opinions and conclusions stated by you therein your true medical opinion, based upon reasonable medical certainty?

STEPHENSON, THOMPSON AND MORRIS

By_____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

KELSEY-SEYBOLD CLINIC

6624 Fannin Street JAckson 6-2671

Houston, Texas 77025

29 April 1968

Ben L. Reynolds, Attorney
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002

Re: Claude J. Tomplait (17,233)
29-444

Dear Mr. Reynolds:

It was my pleasure to see Mr. Claude J. Tomplait on 27 April 1968. He has more than a 20-year history of occupational exposure to asbestos, and a 10-year history of increasing breathlessness and nonproductive cough to the point that, at present, he is unable to do more than sedentary activity without breathlessness.

Physical findings are those typical of pulmonary fibrosis. His pulmonary function test discloses restrictive ventilatory defect without significant airway obstruction. His chest x-ray shows increased markings in both lower lobes and diaphragmatic calcification, the latter finding being noted extremely rarely, if ever, in any disease except asbestosis. In my opinion, the diagnosis of pulmonary fibrosis associated with asbestosis is unequivocal.

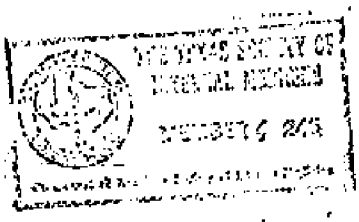
Thank you for the opportunity of seeing this interesting case. If additional information is needed, please let me know.

Sincerely yours,

S. P. Fischer

Stanton P. Fischer, M.D.

SPF/pl
Enclosure



IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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

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?

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.

JOHN D. RIENSTRA,
ATTORNEY FOR DEFENDANT,
OWENS-CORNING FIBER GLASS CORPORATION,
707 BEAUMONT SAVINGS BUILDING,
BEAUMONT, TEXAS 77701

GEORGE E. DUNCAN,
ATTORNEYS FOR DEFENDANTS,
PITTSBURGH PLATE GLASS COMPANY AND
PITTSBURGH CORNING CORPORATION,
BEAUMONT SAVINGS BUILDING,
BEAUMONT, TEXAS 77701

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GORDON R. PATE,
ATTORNEY FOR DEFENDANTS,
JOHNS-MANVILLE PRODUCTS CORPORATION
AND JOHNS-MANVILLE FIBER GLASS, INC.,
1119 BEAUMONT SAVINGS BUILDING,
BEAUMONT, TEXAS 77701

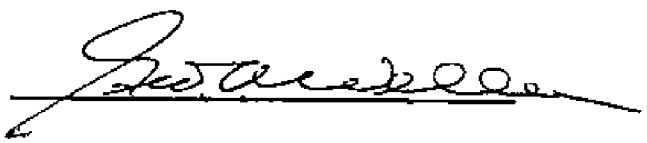
GEO. A. WELLER,
ATTORNEY FOR DEFENDANT,
FIBREBOARD PAPER PRODUCTS CORPORATION,
P. O. BOX 350
BEAUMONT, TEXAS 77704

BEN L. REYNOLDS,
ATTORNEY FOR DEFENDANT,
EAGLE-PICHER INDUSTRIES, INC.,
ROYSTON, RAYZOR & COOK,
877 SAN JACINTO BUILDING,
HOUSTON, TEXAS 77002

CHARLES S. PIPKIN,
ATTORNEY FOR DEFENDANTS,
COMBUSTION ENGINEERING, INC. AND
REFRACTORY & INSULATION CORPORATION,
P. O. BOX 1632,
BEAUMONT, TEXAS 77704

CERTIFICATE OF SERVICE

Attorneys for defendants certify that a true and correct copy of cross-interrogatories of defendants to be propounded to Dr. Stanton P. Fischer has been mailed to Mr. Ward Stephenson, attorney for plaintiff, Stephenson Building, Orange, Texas 77630, by certified mail on the 3rd day of June, 1968.



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 AND DEPOSITION OF DR. STANTON P. FISCHER, 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 Lee Richards, a Notary Public in and for Harris County, Texas, taken on the 5th day of July, 1968, at Houston, Texas, pursuant to Notice attached hereto.

Further attached hereto are the answers of the witness, Dr. Stanton P. Fischer, taken on behalf of the Defendants.

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DR. STANTON P. FISCHER,

was by the notary duly cautioned and sworn to testify the truth, the whole truth in answer to the direct and cross interrogatories, testified as follows:

DIRECT INTERROGATORIES

QUESTION NO. 1:

Please state your name, residence and place of business.

ANSWER:

Stanton P. Fischer; 11705 Forest Glen, Houston 77024; 6624 Fannin.

QUESTION NO. 2:

Please state your profession.

ANSWER:

I am a physician.

QUESTION NO. 3:

Please state whether or not your license to practice medicine is on record in some county in the State of Texas, and if so, state which county.

ANSWER:

It is in this county, Harris County.

QUESTION NO. 4:

Please state whether or not you had occasion to

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examine Claude J. Tomplait, and if so, on what date or dates.

ANSWER:

Yes. On the 27th of April, 1968.

QUESTION NO. 5:

Was the examination of Claude J. Tomplait arranged for by Attorney Ben Reynolds of Houston, Texas?

ANSWER:

Yes.

QUESTION NO. 6:

Please state who paid you for your examination and report of this patient.

ANSWER:

The law firm of Royston, Rayzor & Cook.

QUESTION NO. 7:

Attached you will find a Xerox copy of your report. Will you please state whether or not this is indeed an accurate, true copy of the report of your examination of this patient?

ANSWER:

Yes.

QUESTION NO. 8:

Are the statements, opinions and conclusions stated by you therein your true medical opinion, based upon reasonable medical certainty?

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ANSWER:

Yes.

CROSS INTERROGATORIES

QUESTION 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?

ANSWER:

Yes.

QUESTION 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?

ANSWER: The history of exposure to insulating materials I was given was clear. The exact composition of these materials was not recorded. ~~The word "silica" is sufficiently ill defined to make it impossible to answer the question.~~ SPF.

QUESTION NO. 3:

Did Claude J. Tomplait give you a history on April 27, 1968, that for a period of ten years

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he had a condition of increasing breathlessness and non-productive cough?

ANSWER:

Yes.

QUESTION NO. 4:

Did you study x-rays of the patient, Claude J. Tomplait, which were made on or about April 27, 1968?

ANSWER:

Yes.

QUESTION NO. 5:

By whom were these x-rays taken?

ANSWER:

By the Kelsey-Seybold Clinic, 6624 Fannin.

QUESTION NO. 6:

Did you read these x-rays yourself, or do you rely upon the report of some third party?

ANSWER:

The x-rays are read by myself and by a radiologist.

QUESTION NO. 7:

Please deliver to the reporter each and all of the x-rays which you examined and upon which you rely.

ANSWER:

(Witness complying.)

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QUESTION 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.

ANSWER:

Yes. 4-3-63; 4-9-63; 4-27-63; 5-17-63; 1-23-64; 9-14-64; 1-2-68. Orange Memorial Hospital, Orange, Texas.

QUESTION NO. 9:

Are you associated with the Kelsey-Seybold Clinic, 6624 Fannin Street, Houston, Texas?

ANSWER:

Yes.

QUESTION 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?

ANSWER:

I examined the records at the time.

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QUESTION 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.

ANSWER:

I did not examine the x-rays because they were not available for review, but did read the x-ray report of films taken 10-19-62, a PA, right lateral chest x-ray.

(Witness complying.)

QUESTION 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.

ANSWER:

Since the original films dated 10-19-62, are unavailable, such comparison could not be made.

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QUESTION 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.

ANSWER:

(Witness complying.)

QUESTION NO. 14:

Have you examined x-ray films which were taken at Orange Memorial Hospital, Orange, Texas, on July 26, 1961?

ANSWER:

No. Films submitted were dated: 4/3/63, 4/9/63, 4/27/63 5/17/63, 1/23/64, 9/14/64 and 1/2/68 SFF.

QUESTION 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?

ANSWER:

Since the films are **not** available, such comparison is not possible.

QUESTION NO. 16:

After you have examined the x-ray films of July 26, 1961, taken at the Orange Memorial Hospital,

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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?

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

ANSWER:

Such comparison is not possible.

(b) The absence of the early films for review makes it impossible to answer the question.

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(c) (Not applicable.)

QUESTION NO. 17:

In your opinion, will dust from foamglass, fiberglass, rock wool, magnesium silicates, or other types of insulation materials cause or produce silicosis?

ANSWER:

Silicosis is caused by the pulmonary deposition of free crystalline silica, and to the extent that the materials listed ~~would obtain~~ CONTAIN SPA such material in sufficient quantity to yield particles of appropriate size to the inspired air breathed by individuals, the development of silicosis is a possibility. However, the classical pneumoconiosis of workers in the insulating industry is asbestosis due to inhalation of silicates. SPA SPA

QUESTION 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

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material or silica in the lungs in 1968 than appeared in August of 1961?

ANSWER:

The question cannot be answered because of the absence of the original films for comparison and also because the point of the question is obscure. S.P.F.

QUESTION NO. 19:

In your opinion, did the continued exposures of Claude J. Tomplait to asbestos dust and foam-glass and fiberglass and other insulation materials, aggravate and accentuate the condition which existed in August of 1961?

ANSWER:

The degree of exposure since August of 1961, is sufficiently vague to me that I am unable to answer the question fully. Once initiated, the pulmonary fibrosis associated with ~~asbestosis~~ inhalation of some dusts listed above may progress in the absence of continued exposure. However continued exposure without adequate protection can be expected to aggravate the condition. S.P.F.

Stanton P. Fischer M.D.
Dr. Stanton P. Fischer

THE STATE OF TEXAS:

COUNTY OF HARRIS:

SUBSCRIBED AND SWORN TO BEFORE ME on this the 9th day of July, 1968.

Lee Richards
Lee Richards, Notary Public in and for Harris County, Texas

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THE STATE OF TEXAS:

COUNTY OF HARRIS:

I, Lee Richards, 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, Dr. Stanton P. Fischer, were by said witness made before me, and were sworn to and subscribed by him before me.

Lee Richards

Lee Richards, Notary Public in and for Harris County, Texas

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of Dr. Stanton Fischer, with ex... Published by AsbestosClaims.Law
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November 13, 1962

Industrial Accident Board
Waltca Building
Austin, Texas

Re: Mr. Claude J. Tomplait
#29-444

Gentlemen:

The following information is submitted in the case of Mr. Claude J. Tomplait who was examined in our clinic on October 19, 1962.

The patient stated that since 1941 he has been employed in insulating work, using fiberglass, foam glass, rock wool, basalrock, magnesia, thera-asbestos and Kalo. Three years ago he first began to note dyspnea on exertion. This has become progressively more severe, although he has still been able to work with great difficulty. For the past eighteen to twenty-four months he has had a chronic nonproductive cough. About two years ago he first noted clubbing of his fingers and toes and this has become progressively more severe. He has had a diagnosis of silicosis made in the past.

Physical examination revealed clubbing of the fingers and toes. Examination of the lungs was negative except for a few rales over the right base.

An x-ray examination of the chest revealed evidence of emphysema with a few strands of fibrosis in both bases, but there was nothing to suggest a diagnosis of silicosis.

It is my conclusion that this patient's dyspnea is caused by emphysema and that there is nothing to support the diagnosis of silicosis.

Sincerely yours,

W. V. Leary, M.D.

WVL/ct:
enc. (8)

CHART # 29464 DATE 11/12/62 SR. 7243
NAME Tom Tomplait AGE SEX M DR. WVL
PART TO BE RAYED: CHEST GD. STOMACH. COLON. IVP. SKULL. SINUS
OTHERS: R Foot
REASON FOR EXAM.

REPORT:

Minimal linear fibrosis in both bases. Probable emphysema
WVL

X-RAY

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September 16, 1963

Mr. C. F. Boyd
Executive Director
Industrial Accident Board
State Insurance Building
Austin 1, Texas

Re: Mr. Claude J. Tomplait
#29-444

Dear Mr. Boyd:

In reference to your letter of August 2d, 1963, regarding Mr. Claude J. Tomplait, there was no injury to account for Mr. Tomplait's illness. It was his own feeling that he had silicosis since he had been employed in insulating work, using fiberglass, foam glass, rock wool, band-rock, magnesia, therm-asbestos and Kalo. He was employed by the Johns-Manville Company of Houston.

I do not believe there is any further pertinent information necessary in this case.

Sincerely yours,

W. V. Leary, M. D.

WVL:lm

April 4, 1963

Mr. Ward Stephenson, Attorney
Stephenson, Stephenson and Thompson
Stephenson Building
Orange, Texas

Re: Mr. Claude J. Tomplait
#29-444

Dear Mr. Stephenson:

In regard to your letter concerning Mr. Claude J. Tomplait, I was under the impression that you received a copy of the letter which I sent to the Industrial Accident Board in November of last year.

I am aware that another specialist in chest diseases has told Mr. Tomplait that he has silicosis or asbestosis. However, I could not find anything to support this diagnosis. Mr. Tomplait does have emphysema, which always causes severe shortness of breath, but is not an industrial disease. He does have a minimal degree of fibrosis in his lower lobes, but silicosis usually attacks the upper lobes. I also doubt that the degree of fibrosis that he has is materially influencing his shortness of breath. One could, of course, settle this once and for all by having a lung biopsy, which is a relatively simple procedure, requiring hospitalization for only a few days. In this procedure, a small incision is made between the ribs and a small portion of lung tissue is removed for microscopic examination. If Mr. Tomplait would consider having this procedure, it would settle the issue once and for all.

Sincerely yours,

W. V. Leary, M.D.

WVL/mk