CHARLES V. RUANE
Official Court Reporter
Court House
Norristown, Pa. 19404

FILE NO. - CIVIL NO. 5402

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

FILED
MAR 24 1969
M ____ 19__
James R. Cooney, Clerk, U. S. Court
By Margaret Lowe DEPUTY

CALUDE J. TOMPLAIT

vs.

COMBUSTION ENGINEERING, INC.
et al

DEPOSITION OF

A. S. ARWINE
c/o C. E. Refractories
Division of Combustion Engineering
P.O. Box 790
Port Kennedy, Pennsylvania

I, the officer before whom the within deposition was taken do hereby certify that I, in person, do now on the 20th day of March, 1969, ~~deposit it in the~~ mail the same, via Registered Mail, to the Clerk of the United States District Court for the Eastern District of Texas, Beaumont Division, Beaumont Texas.

Charles V Ruane
NOTARY PUBLIC in and for
the Commonwealth of Pennsylvania

March 25, 1969

This deposition opened this date upon request of undersigned attorney.

SPHINX CLASP No. 863
SUBSTANCE BE JUTE FINISH
9½ x 12½

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 INTERROGATORIES

Answers to interrogatories propounded to A. S. Arwine, c/o C. E. REFRACTORIES, Division of Combustion Engineering, Inc., P.O. Box 790, Port Kennedy, Pennsylvania, a witness produced, sworn and examined on the part of the above named plaintiff by Charles V. Ruane, Official Court Reporter-Notary Public, Court House, Norristown, Pennsylvania:

1. I am vice-president in charge of Engineering for the CE Refractories Division of Combustion Engineering, Onc.

2. My responsibilities are in field and design engineering for the Division.

   My name is Alva S. Arwine, 230 Egypt Road, R. D. 1, Phoenixville, Pennsylvania.

2. Personally, no; and to the best of my knowledge, no for the company.

3. Again I don't know personally; I don't know for the company.

4. Dr. Selikoff made no request to our company to the best of my knowledge.

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 3 of 16 asbestosclaims.law/library/10824/3

5. We have made no studies. We have manufacturing experience with asbestos products at the plant and saw no evidence or need of studies.

6. I don't know for myself. To the best of my knowledge, no for the company.

7. Not to the best of my knowledge.

8. Not to the best of my knowledge.

9. I can neither agree nor disagree since I have no knowledge of this condition.

10. Our company makes no dust samplings for the presence of asbestos.

11. No, to the best of my knowledge. The company's experience does not indicate a need for such studies.

12. We have no knowledge of whatever that is; no, sir.

13. No.

14. I am not familiar with this disease.

15. to my knowledge we have no precise information on this phenomena.

16. To the best of my knowledge our company has no information as to the asbestos market in the United States.

17. No.

18. Not to my knowledge.

19. Not to my knowledge.

20. We have no one whose job is to take job-site dust level counts for the presence of asbestos.

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 4 of 16 asbestosclaims.law/library/10824/4

21. No.

22. No.

23. No.

24. No.

25. No. Products generally contain varying amounts of similar ingredients. Since I don't know the formulation of competitive products, I don't know if they are distinguishable.

26. Yes, generally speaking.

27. Combustion Engineering, Incorporated, was incorporated in Delaware, October 25, 1912, and its domicile at present is 277 Park Avenue, New York City.

The present CE Refractories Division, formerly was known as Refractory and Insulation Corporation, and was incorporated in New Jersey about 1928; I am not sure of the exact date.

The Division domicile is Port Kennedy, Pennsylvania.

28. Combustion Engineering has been manufacturing Asbestos-containing products since December 31, 1967.

Refractory and Insulation Company, which was made a division of Combustion Engineering on that date, have been manufacturing -- to my personal knowledge -- asbestos-containing products since 1941.

There is evidence in catalogs of previous

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 5 of 16 asbestosclaims.law/library/10824/5

manufacture, but I don't know how long.

29. We have made no claims on this subject.

30. Yes, our company has been manufacturing asbestos-containing products for many years. There is a question in my mind over the use of the word "public" in the question. Our products are sold primarily for industrial use.

31. No. No tests have been made, but we have had no harmful effects on personnel involved with the manufacture of these products.

32. We have no employee deaths attributed to asbestos fibers or dust to the best of my knowledge.

33. No.

34. This is a series:

34-1, Generally mixed with water.

34-2, We do not manufacture.

34-3, We manufacture no bricks or blocks of all asbestos. Asbestos-containing pro- blocks are generally scribed or cut with a saw or knife.

34-4, We do not manufacture.

34-5, Generally mixed with water.

34-6, We do not manufacture.

35. We have no employees who fit this question who have lung disease, to the best of my knowledge.

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 6 of 16 asbestosclaims.law/library/10824/6

36. I have no information concerning cause of death of a person who has asbestosis.

37. CE Refractories Division of Combustion Engineering started in December 31, 1967. We do not have accounting records for the year 1968.

For the Refractory and Insulation Company and the R & I Ramsite Company, which was operated as a subsidiary:

1960, $168,553.

1961. $66.445.

1962. $82.397.

1963. $399,716.

1964. $$363,823.

1965. $$344,120.

1966. $345,000.

1967, the R & I Refractory Insulation Corporation profits were $422,000, and for the Ramsite Company, $624,663.

38. Net worth of Refractory Insulation Corporation in 1960 was $1,458,018.

1962, $1,474,419.

1963. $2,063,866.

1964. $2,650,812.

1965. $3,533,932.

1966. $3,093,000.

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 7 of 16 asbestosclaims.law/library/10824/7

1967. $3,375,000.

For Refractory and Insulation Company -- for Ramtite Company, $3,011,754.

39. Sales. Total sales, Refractory Insulation:

1960. $3,644,894.

1961. $3,303,218.

1962. $3,900,392.

1963. $5,068,720.

1964. $7,813,232.

1965. $8,807,332.

1966. $9,377,000.

1967. $9,891,000.

For Ramtite Company, $9,671,705.

These figures in question were obtained from our controllers -- from CE Refractories Division Controller's Office.

The reason for the separation of the figures between Refractory and Insulation Company and Ramtite Company, is the Ramtite Company was merged with Refractory and Insulation Company in 1967, and operated as the R&I Ramtite Company.

40. The president of the CE -- Combustion Engineering is Arthur J. Santry, Jr., who lived Vineyard Lane, Greenwich.

The Chairman of the Board, to the best

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 8 of 16 asbestosclaims.law/library/10824/8

of my knowledge we do not have a Chairman of the Board at the moment.

41. I have made no such responses.

42. Yes, I have discussed the questions with Mr. Little of Combustion's Legal Department, who advised me I must answer them as completely and accurately as possible.

43. Yes, Mr. Little sent me a copy of the questions approximately two weeks before this deposition.

44. Yes, I agree. Our experience did not indicate a need for such studies.

45. I agree. We do not have medical basis for this conclusion, but long experience in our plants of exposure to asbestos by employees, we have no lung disease in our employees, past or present; to the best of my knowledge I do not know the origin of the disease, asbestosis.

46. I agree. Proper precautions taken by our plant employees have prevented lung disease over many years.

47. No, except requirements of employees in direct contact with asbestos to wear simple face masks.

I certify that the answers contained in the above deposition are true and correct to the best of my knowledge and belief.

A. S. Arwine

A. S. ARWINE

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Comb... Published by AsbestosClaims.Law
ACL Doc 10824 · Page 9 of 16 asbestosclaims.law/library/10824/9

I hereby certify that the above deposition was read in my presence by the deponent, A. S. Arwine, and that he did swear to the truthfulness and correctness of the answers contained therein, to the best of his knowledge and belief.

Witness my hand and seal this 12th day of March, A.D., 1969.

Claire M. Barnett
Notary Public in and for the County of Montgomery, Commonwealth of Pennsylvania
My Commissioner expires

NOTARY PUBLIC
Lower Providence Township, Montg. Co., Pa.
My Commission Expires Nov. 30, 1970

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me upon the hearing of the above cause on Friday, February 7, 1969, at the offices of C.E. Refractories, Division of Combustion Engineering, Inc., Port Kennedy, Pennsylvania, and this is a correct transcript of the same.

March 20, 1969

Charles V Ruane
NOTARY PUBLIC

Notary Public, Lower Merion Twp., Montg. Co.
My Commission Expires October 16, 1972

FILED

MAR 25 1969

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

By Margaret Duncan DEPUTY

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

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL NO. 5402

NOTICE

TO: Mr. Ward Stephenson
Stephenson, Thompson & Morris
Stephenson Building
Orange, Texas
Attorney for Plaintiff, Claude J. Tomplait

Mr. Ben L. Reynolds
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002
Attorney for Defendant, Eagle-Picher Industries, Inc.

Mr. John D. Rienstra
King, Sharfstein & Rienstra
707 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Owens-Corning Fiber Glass Corporation

Mr. Charles S. Pipkin
Strong, Pipkin, Nelson & Parker
P. O. Box 1632
Beaumont, Texas 77704
Attorney for Defendants, Combustion Engineering, Inc. and R & I Refractory & Insulation Corporation

Mr. George E. Duncan
Attorney at Law
Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Pittsburgh Corning Corporation

Mr. Gordon R. Pate
Attorney at Law
1119 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Johns-Manville Products Corporation

Mr. Gerald P. Coley
Vinson, Elkins, Searls & Connally
First City National Bank Building
Houston, Texas 77002
Attorney for Defendant, Unarco Industries, Inc.

Gentlemen: Please take notice that the deposition of John F. Hunter, of John F. Hunter & Associates, 7015 Gulf Freeway, Houston, Texas, will be taken on behalf of the defendant, Fibreboard Paper Products Corporation, upon certain interrogatories, of which a copy is herewith served upon you, and such cross-interrogatories as may be duly served herein, before Howard J. Boland and David E. O'Neal, Court Reporters, 711 Bankers Mortgage Building, Houston, Texas 77002.

WELLER, WHEELUS & GREEN
P. O. BOX 350
BEAUMONT, TEXAS 77704

BY _____
GEO. A. WELLER,
ATTORNEYS FOR DEFENDANT,
FIBREBOARD PAPER PRODUCTS
CORPORATION.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

MAR 25 1969

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

By Margaret Turner DEPUTY

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL NO. 5402

INTERROGATORIES

Interrogatories to be propounded to John F. Hunter, of John F. Hunter & Associates, 7015 Gulf Freeway, Houston, Texas, a witness to be produced, sworn and examined on the part of defendant, Fibreboard Paper Products Corporation, by Howard J. Boland and David E. O'Neal, Court Reporters, 711 Bankers Mortgage Building, Houston, Texas 77002:

1. What is your name?

2. Where do you live?

3. By whom are you employed or with what company are you associated?

4. If you have stated that you are employed or associated with John F. Hunter & Associates, then please state whether your company is the custodian and administrator of the Welfare Fund of Local 22 of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO.

5. If you have answered the foregoing interrogatory "yes," then state how long you have been the custodian and administrator of such Welfare Fund.

6. Do you have possession of the records of the Welfare Fund which will show the name of the employer, the period of such employment, and the amount of the contribution by such employer for Claude J. Tomplait, Social Security No. [redacted] a member of International Association of Heat and Frost Insulators and Asbestos Workers of America, AfL-CIO Union, who resides in Orange, Texas?

7. If you have custody of such Welfare Fund records, then please state if these records are kept in the due course of your business in the administration of such Welfare Fund of Local 22 of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO Union.

8. Do any records in your possession show the name of the employer, and the dates of employment of a member of Local 22 of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO?

9. What period of time do such records cover?

10. Do you know who has custody of the Welfare Fund records which will show the employers- contractors, and the period a particular Union member worked, which will cover the period 1957 through 1968?

11. For what period of time do the Welfare Fund records of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO Union in your possession cover?

12. State who has the possession and control of the Pension and Welfare Fund records beginning with the year 1957, or the year such Welfare Fund began, up to the present time.

13. If you state that you have any records of the Pension and Welfare Fund, or Welfare Fund, of Local 22 of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO, then please produce such records and give the name of each contractor-employer and the period of times that Claude J. Tomplait, Social Security No. [redacted] of Orange, Texas, worked for each such contractor-employer during the period beginning with the year 1957 through the year 1968.

14. If you have stated that you do not have possession of any Welfare Fund records which will show the period worked by Claude J. Tomplait for each employer, then please state who does have possession of such Welfare Fund records.

15. Are the original records in such form that they could be reproduced by copying?

16. Is there a separate account in the Welfare Fund kept showing the contributions made for the benefit of each member of the Union?

17. If you have a separate account or separate sheet showing the contributions made for the benefit of Claude J. Tomplait by various employers, then please have the original account identified as an exhibit and attach a photocopy of this

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Com… Published by AsbestosClaims.Law
ACL Doc 10824 · Page 14 of 16 asbestosclaims.law/library/10824/14

exhibit. If you state that it is not practical to photo-copy the various records showing the contributions by contractors for the account of Claude J. Tomplait and the times worked and the name of the employers, and that a separate account is not kept showing the contributions for the benefit of Claude J. Tomplait, then please read into the record a summary of the various entires made showing the name of the employer, the period worked for such employer, and the contributions to Claude J. Tomplait.

18. Please state the basis for the employer contributions to the Pension Fund or Welfare Fund for the benefit of each employee.

WELLER, WHEELUS & GREEN
P. O. BOX 350
BEAUMONT, TEXAS 77704

BY: _____
GEO. A. WELLER,
ATTORNEYS FOR DEFENDANT,
FIBREBOARD PAPER PRODUCTS
CORPORATION.

The Tomplait v. Combustion Engineering Case File (1962-1969), Answers to interrogatories by A. S. Arwine, Com… Published by AsbestosClaims.Law
ACL Doc 10824 · Page 15 of 16 asbestosclaims.law/library/10824/15

CIVIL NO. 5402

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

NOTICE OF TAKING DEPOSITION ON WRITTEN INTERROGATORIES AND INTERROGATORIES

WELLER, WHEELUS & GREEN
ATTORNEYS AT LAW
GOODHUE BUILDING
BEAUMONT, TEXAS 77704

Published by AsbestosClaims.Law
asbestosclaims.law/library/10824/16