

FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 1929

DOC#: EADS012

DOCUMENT DESCRIPTION: Documents from Case of Robert Marshall
for Helen Marshall

4. The defendant ^{NEW JERSEY SUPREME COURT} ~~NEW JERSEY SUPREME COURT~~ ^{SOMERSET COUNTY} ~~SOMERSET COUNTY~~ have known, the dangerous nature of said asbestos fibers and ROBERT MARSHALL, administrator, same in control, but was ad prosequendum of the rights, goods, chattels and credits of HELEN MARSHALL, deceased, ^{Plaintiff,} ^{ACTION AT LAW} person and exposed the intestate, so that she came into contact ^{-vs-} the said defendant, ^{C O M P L A I N T} to JOHNS-MANVILLE CORPORATION, a Corporation of the State of New York, ^{Defendant.} ^{Intestate was not informed or warned by the defendant, and has no knowledge of the nature of the said dangerous asbestos fibers and particles with which she was}

The plaintiff, Robert Marshall, administrator ad prosequendum of the rights, goods, chattels and credits of Helen Marshall, deceased, residing at Manville, New Jersey, says that:

1. The intestate, Helen Marshall, was in the employ of the defendant corporation, at its plant in Manville, New Jersey, in the year 1928, and for several years prior thereto.

2. The defendant corporation, at the time herein set forth, was engaged in the manufacture of asbestos products for commercial purposes.

3. The said defendant employed the intestate at the time and place above set forth in its manufacture of said asbestos products, and the said defendant only knew, but

4. The defendant not only knew, but should have known, the dangerous nature of said asbestos fibers and particles, and failed to keep the same in control, but was negligent in allowing the said dangerous fibers and particles to escape and to come into close proximity of the intestate's person and exposed the intestate so that she came into contact with, and inhaled, the said dangerous fibers and particles to the extent that her bronchial tubes, lungs and body became infected with the same.

5. Intestate was not informed or warned by the defendant, and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which she was brought into close proximity by the defendant's negligence.

6. The negligence of the defendant complained of is as follows:

(a) In failing to use reasonable care to provide the intestate with a reasonably safe place of work.

(b) In failing to use reasonable care to provide the intestate with proper masks or other appliances or safeguards in said work.

(c) In failing to use reasonable care to provide a proper ventilating system at its plant.

(d) In failing to use reasonable care to give proper warning, information and knowledge about the dangerous character of its work with the said asbestos fibers and particles to the intestate, at the time and place above mentioned.

injuries, externally and internally, in and about her head, body and limbs, and her resistance power was lowered, and she died, as a result thereof, on December 23, 1928.

8. On the 7th day of May, 1929, the plaintiff, Robert Marshall, was duly appointed, by the Surrogate of Somerset County, administrator ad prosequendum of Helen Marshall, to prosecute the action for damages, for the death of his intestate, for the benefit of next of kin of Helen Marshall, deceased, and now proffers his letters of administration.

9. The said Helen Marshall left surviving her, ^{father} ~~her~~, her, Robert Marshall; her mother, Agnes Marshall; and her brothers, John Marshall; Enoch Marshall; Benjamin Marshall; Edward Marshall; Henry Marshall; and her sister Rose Marshall; all dependent upon the said intestate for support.

10. Plaintiff, as administrator, as aforesaid, for the benefit of said next of kin, is vested by virtue of the statute, in such cases, made and provided with a cause of action against the defendant for negligently causing the death of his intestate, and brings this action within two years after the death of said intestate.

11. The said next of kin suffered pecuniary losses, by reason of the death of the said Helen Marshall, in the sum of \$40,000.00.

Plaintiff demands the sum of \$40,000.00 as damages

My name is Robert Marshall. In Polish, it is Boleslaw Marszalek. I am married and I have a wife and six living children. I live in Manville and my Post Office box is 277. I am a citizen of the United States and I speak English and Polish. I am working at the present time for the Johns-Manville Company for the last six years and have been working for three or four years for this company about (10) ten years ago. I have a son, Benedict, who is working for this company. He told me it will

On the 24th of December, 1928, my daughter, Helen, who was about 19 or 20 years old, died in the Borough of Manville. She was buried in a Somerville, New Jersey Cemetery. Helen was working for the Johns-Manville Co. for about three or four years, something like that. - She carried a policy with the Polish Union of Wilkes-Barre, Penna. and the policy ready for One thousand dollars. I paid the funeral expenses out of the one thousand dollars. My daughter was troubled with bronchitis and she was treated by Dr. Flynn of Somerville, N. J. and by another doctor, whose name I do not remember at this time. About ten years ago, my daughter took sick with the Spanish Influenza and she came back to health, but she was troubled all the time with Bronchitis, but she never in her life suffered with lung trouble. After my daughter died, I did not come to the bosses of the Johns-Manville Co. to ask them for money or charity or something of that sort on account of the death of my daughter, because I felt and knew that the company for which my daughter was working had nothing to do with her death.

A few months after I buried my daughter, a man came to see me and he told me that his name is Lawyer Samuel Greenstone, a lawyer from Newark on Broad Street. He was in company with Joe Lewandowski, who is working for the Johns-Manville Co. Joe Lewandowski works in "A" Building. I recognized Mr. Greenstone immediately because a few years ago I was taken to his office in Newark by a man Mitchell about starting a lawsuit for the death of my other daughters, Nellie and Anna. From the time I saw Mr. Greenstone

the Johns-Manville Co. and whatever he is going to get he will split with me fifty-fifty. Greenstone said to me that the reason he will try to get money for the death of my daughter, Helen, is because she was working for the Johns-Manville Co. and that this company ought to pay money for her death and that he will try to get it. I never knew anything about law, and I don't understand what law is, but I thought that as long as he can get money and I can get something out of it, let him go ahead and try. He told me it will not cost me one cent and he said that he will find out everything from the doctors what the trouble was that my daughter died so young. I told Mr. Greenstone very plainly that I am afraid to both^{er} the company with law-suits and I don't want to fight the company in courts and I told him I don't care to and I would not stand for it to bother the Johns-Manville Co. for the death of my daughter, Helen; and Lawyer Greenstone said "Don't be afraid, nothing will happen to you and I will fix this". He said that I would not have to go to court - maybe once, but I would not need to be afraid and that he would fix it.

About a week later, the same lawyer, Mr. Samuel Greenstone, came to my house and took me and my wife, Agnes, to Somerville, where I signed a paper and he told me that I have got to sign a paper in order to get some money from the Johns-Manville Co. I did not understand the paper which I was signing. It was too hard English and Samuel Greenstone, the lawyer, had no interpreter for me. I can speak English and I understand it all right, but hard words I don't understand. I understand every day English.

I realize that I got into this law-suit against my own will and I did not want to sue the Johns-Manville Co. for the death of my daughter, Helen, and I do not want to sue now. Samuel Greenstone was the man who put this idea in my head. I never sent for him and I never asked him to sue the Johns-Manville Co. in court for the death of my daughter, Helen. I am willing to sign papers at any time to withdraw my case pending in the courts against the Johns-Manville Co. because I feel that the Johns-Manville Co. had nothing to do with the death of my daughter, Helen. I am making

foreman, Richard Smith, or by Mr. Hughes, or by anybody else connected with the Johns-Manville Company. I was not told that I will get a better job if I would drop my case against the Johns-Manville Co. I was not promised any money for signing this statement.

• This statement was read to me in Polish language and the same is true and correct, and it contains all I know about my case.

Robert Marshall

Witness

E. Rauer
11/5/29