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*ADMITTED IN D. C. ONLY

January 10, 1984

Ms. Faye Ray
Deputy Clerk
Ft. Worth Divison
202 U. S. Courthouse
Ft. Worth, TX 76102

Re: Ida Mae Davis v. Johns-Manville Sales
Corporation, et. al.
No. CA4-82-68-K

Dear Ms. Ray:

Enclosed please find an original and two copies of
Pre-Trial Order to be filed in the above-referenced case. After
filing, please return a copy of same conformed as to date of
filing.

By copy of this letter, all counsel of record will be
provided with copies of same.

Your courteous assistance in this matter is greatly
appreciated.

Sincerely,

Russell W. Budd
RUSSELL W. BUDD

RWB:pl
Encl.



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

IDA MAE DAVIS as Representa- \$
tive of the Heirs and Estate \$
of LEE ROY DAVIS, Deceased \$

VS. \$

JOHNS-MANVILLE SALES \$
CORPORATION, ET AL \$

CIVIL ACTION NO. CA4-82-68-K

PRE-TRIAL ORDER

Prior to a pretrial conference and pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, it is agreed, stipulated and ordered as follows:

I.

APPEARANCES

For the Plaintiff

Mr. Russell Budd of
FREDERICK BARON & ASSOCIATES
1050 Dallas Federal Savings Tower
Dallas, Texas 75225

For the Defendant,
FIBREBOARD CORPORATION

Mr. Dan Mayfield of
SHEEHY, LOVELACE & MAYFIELD
American-Amicable Bldg.
Waco, Texas 76701

For the Defendant,
CELOTEX CORPORATION

Mr. Don W. Kent of
BUCHANAN, BARNETT, SCHOFIELD & KENT
231 South College
Tyler, Texas 75702

For the Defendant,
EAGLE-PICHER INDUSTRIES, INC.

Mr. Joe Michael Russell and
Mr. Jack K. Smith of
SMITH, RALSTON, RUSSELL & WRIGHT
P. O. Box "P"
Corsicana, Texas 75110

For the Defendant,
KEENE CORPORATION

Howard Waldrop and Dennis Chambers o
ATCHLEY, RUSSELL, WALDROP & HLAVINKA
P. O. Box 1049
Texarkana, Texas 75504-1049

For the Defendant,
PITTSBURGH CORNING CORPORATION

Mr. Danny M. Needham of
GIBSON, OCHSNER & ADKINS
P. O. Box 1510
Amarillo, Texas 79105

For the Defendant,
NICOLET INDUSTRIES

Mr. Jack Flock of
RAMEY, FLOCK, HUTCHINS, JEFFUS,
McCLENDON & CRAWFORD
P. O. Box 629
Tyler, Texas 75710

For the Defendant,
OWENS-ILLINOIS, INC.

Mr. Arthur Stamm of
BAKER & BOTTS
3000 One Shell Plaza
Houston, Texas 77002

VI.

UNCONTESTED FACTS

It is agreed and stipulated and this Court's jurisdiction has been properly invoked pursuant to diversity jurisdiction. This suit was filed by IDA MAY DAVIS. Plaintiff has sued the following Defendants:

1. Johns-Manville Sales Corporation;
2. Fibreboard Corporation;
3. Owens-Corning Fiberglas Corporation;
4. Celotex Corporation;
5. Eagle-Picher Industries, Inc.;
6. Armstrong Cork Company;
7. GAF Corporation;
8. Keene Corporation;
9. Unarco Industries, Inc.;
10. Pittsburgh Corning Corporation;
11. Nicolet Industries;
12. Raybestos-Manhattan, Inc.;
13. Forty-Eight Insulations, Inc.;
14. Owens-Illinois, Inc.;

Johns-Manville Sales Corporation and Unarco Industries, Inc. have filed for bankruptcy.

Plaintiff has settled her claim against the following Defendants and agreed to indemnify them from any further liability:

GAF Corporation for \$7,500.00; Forty-Eight Insulation, Inc. for \$4,000.00 ; Armstrong Cork Company for \$2,500.00 ; Raybestos-Manhattan, Inc. for \$3,000.00 ; Owens-Corning Fiberglas Corporation for \$45,000.00 .

It is agreed that all x-rays, hospital and medical records identified by deposition or authenticated under the Court rules or obtained by authorization and exchanged between the parties in this

case can be considered as properly proved as business records only, preliminary to the offer into evidence.

Defendant, Keene Corporation has contended in this case that it never manufactured thermal insulation products containing asbestos, and that it cannot be held liable for the acts of certain alledged predecessor corporations. For purposes of this case only, and without prejudicing its right to assert this defense or contention in any manner in the future, Defendant Keene Corporation agrees to pay all damages and costs assessed by the Judge or jury and any Final Judgment entered against it in this case on the basis of exposure to products manufactured by Keene Corporation, Baldwin-Hill Company, Erhet-Magnesia Corporation, Baldwin-Erhet-Hill Company and The Keene Building Products Corporation. This agreement by Keene is subject to and without waiving any basis or right it may have to appeal the Final Judgment entered in this cause of action.

Plaintiff and Defendants agree and stipulate that the deposition of H. Corwin Hinshaw taken in the cause of action in the case of "Jimmie L. Vaughan vs. Johns-Manville Sales Corporation, et al, Civil Action No. CA3-01-0070-F, in the United States District Court for the Northern District of Texas, Dallas Division" on April 23, 1982, can be used in this case as if noticed and taken herein.

Celotex Corporation is successor in interest to Philip-
Carey Corporation, Briggs Manufacturing Company and Panacon
Corporation except as to any alleged punitive liability.

For the Defendant,
NICOLET INDUSTRIES, INC.

Jack Flock

Mr. Jack Flock of
RAMEY, FLOCK, HUTCHINS, JEFFUS,
MCCLENDON & CRAWFORD
P. O. Box 629
Tyler, Texas 75710

For the Defendant,
OWENS-ILLINOIS, INC.

Arthur Stamm

Mr. Arthur Stamm of
BAKER & BOTTS
3000 One Shell Plaza
Houston, Texas 77002

SIGNED this ____ day of _____, 1984.

UNITED STATES DISTRICT JUDGE