FILE NAME: Norfolk & Southern - WC Case - Ancel Wheeler (NS)

DATE: 1951

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DOCUMENT DESCRIPTION: Legal - Answers of Defendant in A. Wheeler vs. Norfolk & Western

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ANCEL WHEELER,	:	
Plaintiff,	:	Civil Action No. 2740
vs.	:	A N S W E R
NORFOLK & WESTERN RAILWAY CO., a Corporation,	:	
Defendant.	:	

Now comes the defendant herein, Norfolk and Western Railway Company, and admits that it is a corporation organized and existing under the laws of the State of Virginia; that it is a common carrier by railroad; that it operates engine repair shops at Portsmouth, Ohio, and that prior to January 9, 1951, plaintiff was employed by it as a laborer at its Portsmouth, Ohio, Shops.

Further by way of answer, this defendant specifically denies that it was negligent in any of the particulars set forth in plaintiff's Complaint and specifically denies that plaintiff's duties consisted chiefly of repairing defendant's interstate engines by removing and replacing asbestos on the boilers and in grinding, mixing and repairing asbestos for that purpose, and specifically denies that defendant caused and permitted plaintiff's work to be carried on in a small room with inadequate openings and improper ventilation and in such a manner as to cause air to be laden with asbestos dust, and failed to provide plaintiff with a mask or filter.

Defendant further specifically denies that plaintiff is suffering from asbestosis and diathragmatic striction and pleural effusion.

Further answering, this defendant denies each and every allegation in plaintiff's Complaint contained not hereinabove specifically admitted to be true and having fully answered prays the Court that it be dismissed, together with its costs herein expended.

Attorneys for Defendant
603 Dixie Terminal Building
Cincinnati 2, Ohio

A copy of the above Answer was this 3rd day of November, 1951, mailed to Fuerst & Fuerst, 543 Society for Savings Building, Cleveland 14, Ohio, and Philip A. Cohen, 6 East Fourth Street, Cincinnati 2, Ohio, attorneys for plaintiff.