

FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 1934

DOC#: EADS014

DOCUMENT DESCRIPTION: Documents from Case of Angelina de Muro Graziosi for Michael de Muro

UNITED STATES DISTRICT COURT.
DISTRICT OF NEW JERSEY.

ANGELINA DE MURO GRAZIOSI, :
administratrix ad prosequendum. :
of MICHAEL DE MURO, deceased, :

Plaintiff, : AFFIDAVIT OF
vs :

: CARMINE RUGGIERO.
JOHNS-MANVILLE CORPORATION, :
a corporation of the State :
of New York, : daughter-in-law and

Defendant. : she said that it was

STATE OF NEW JERSEY:

: ss.

COUNTY OF ESSEX :

CARMINE RUGGIERO, being duly sworn,
according to law, on his oath, says:

I reside at 415 Avenue L, Brooklyn, New
York. I am of Italian nationality and speak the Italian
and English languages.

At the request of Mr. Ramer I went with
him to the Manville plant of the defendant company, on
December 9, 1929 and was present at the office of
Mr. Hughes, manager of the plant, and a statement was
taken from Mrs. Angelina DeMuro Graziosi. At the time
this statement was taken there were present Joseph
DeMuro and Anthony Demuro who I was informed are sons
of Mrs. Graziosi and also Mrs. Adeline DeMuro, who I am
informed is the daughter-in-law of Mrs. Graziosi; there
were also present Mr. Archibald Hughes, Mr. Emil Ramer
and Miss Charlotte Wolf, stenographer.

Miss Wolf was asked to make a stenographic

to which she replied in Italian and I then interpreted her answers in English and the same were recorded by Miss Wolf.

After the interview was finished Miss Wolf transcribed the questions and answers in typewriting on six sheets and I then read the typewritten transcript in Italian to Mrs. Graziosi in the presence of her said two sons and daughter-in-law and asked her if the same was true and she said that it was true and that she was willing to sign same.

I interpreted the entire statement to her correctly in the Italian language before she signed the same.

After I had interpreted the statement to her she then signed each of the five sheets at the bottom thereof and then signed sheet number 6 about in the middle of the page at the end of the questions and answers.

Joseph DeMuro, Anthony DeMuro and Adeline DeMuro also signed each of the five sheets in my presence and also witnessed the signature of Mrs. Graziosi on page 6.

I then signed a certificate at the bottom of page 6 stating that Mrs. Graziosi acknowledged that she understood the statement.

Thereafter a Notary Public was called to the office and he asked me if I had interpreted the statement in Italian to Mrs. Graziosi and I said that I had done so. I heard the Notary then ask

On the two sheets following said number 6 the said two sons and daughter-in-law of Mrs. Graziosi signed in my presence the statements that appear on said sheets.

I have examined sheets number 1 to 6 of the typewritten statement shown to me today and the the two sheets following the same without number. All of these sheets are in the same condition and the signatures thereon are the same as when they were signed in my presence on December 9, 1929.

Subscribed and sworn to :
before me this 10th day :
of February, 1930. :

Carmin Ruggiero
Carmin Ruggiero

Geo. A. Hobart

Notary Public of N. J.

E. RAKER IN THE PRESENCE OF MR. ANTHONY DE LURO, MRS. ANTHONY
DE MURO AND MR. CARMINE RUGGIERO, ITALIAN INTERPRETER.

Q. What is your name ?

A. Angdina De Muro Grazioso.

Q. How old are you ?

A. Sixty-one years old.

Q. Are you a widow ?

A. Yes.

Q. How many times were you a widow ?

A. Twice.

Q. What was Michael De Muro to you ?

A. My first son.

Q. Where was he born ?

A. In Italy.

Q. How long are you living in Manville ?

A. Sixteen years.

Q. Where did you come from ?

A. From Hoboken.

Q. Where was your son working in Hoboken ?

A. For Fisher Candy factory as a truck driver.

Q. When did you come to Manville ?

A. 1913.

Q. How old was Michael when you came to Manville ?

A. About 21 or 22 years.

Q. Was he single ?

A. Single.

Q. Where did he work when you came to Manville.

A. He worked in "C" Building in Manville Factory, Johns-Manville Company

Q. Straight, ten or 12 years ?

A. No. In the meantime, he went to war.

Q. How long was he in the war ?

A. The first time, nine or ten months.

Q. When he came back from war, did he get a job in the Manville Factory again ?

A. Yes.

Q. How long did he work after the war here ?

A. He worked for a few years and then enlisted in the United States Army and when he came back from the army, he got a job back again with the Johns-Manville Co.

Q. When did Michael get married ?

A. In 1924. He was 33 years of age when he got married.

Q. What church was he married in ?

A. Sacred Heart Church in Manville, N. J.

Q. What was his wife's name ?

A. Josephine Palumbo.

Q. Where did his wife come from ?

A. Pennsylvania.

Q. What city ?

A. Wilkes-Barre, Penna.

Q. How old was she ? when she got married ?

A. About twenty-eight.

Q. Where did they take out license ?

A. In Belle Meade, N. J.

Q. Did the wife of Michael De Muro ever work in Manville Factory ?

A. She worked there before she was married.

Q. How long ago ?

A. I don't know, because I didn't know the girl at that time.

Q. Do you know the parents of the wife ?

the street but we are not on speaking terms.

Q. What is the child's name ?

A. Angelina.

Q. How old is the child ?

A. She is four years.

Q. How long did you have the baby ?

A. From the time she was born.

Q. Where was the baby born ?

A. Here in Manville.

Q. Who was the doctor who took the baby ?

A. Dr. Pogoloff.

Q. Is it a fact that you had to take the baby because your son was separated from his wife ?

A. Yes.

Q. When was that ?

A. About a year after the birth.

Q. Why did you have to take care of the baby when the baby was born ?

A. After the child's birth, the mother and child were sent to the Bonnie Burns Hospital for the mother's health, and a couple of months after, I took the baby out because the father wanted it home.

Q. Where was the father working at that time.

A. In Manville Factory.

Q. Was the father sick at that time with lung trouble when the baby was and the wife was in Bonnie Burns Hospital ?

A. No. He was a very strong man at that time.

Q. What was the health of Josephine De Muro shortly after the child was

A. After the child was born, my daughter-in-law was taken sick with Pneumonia and lung trouble set in and she was transferred to the Sanitarium.

Q. What was the health of your son at this time ?

A. He was fine.

Q. Was he working steady ?

lung trouble ?

A. I don't know.

Q. Can you tell me when your son separated from his wife ?

A. About a year after.

Q. How old is the baby ?

A. She will finish four years on the 22nd of February, 1930.

Q. How long is your son dead ?

A. He died January 14, 1929.

Q. When did your son start to complain about his lungs ?

A. Sometimes after he married Josephine, but he did not show any weakness for some time and he was able to work.

Q. Did your son pay you any money for keeping the baby ?

A. Only when he was working, he gave me something. When he didn't work, I got nothing, and I want to say all I can tell you some more about my daughter-in-law is that she never came back to my son to live again after she left Bonnie Burns Hospital, after she left Saranac Lake Sanitarium and after she left Whitehaven, and this was the last place she was in.

Q. When did your daughter-in-law die ?

A. She died a week before my son died.

Q. Now tell me, Mrs. Grazioso, is it a fact that from the time the baby was born until the time your son, Michael died, Michael did not work much and did not give enough money for the support of the baby ?

A. This is right. He did not work much, because he was sick with lungs, and I out of my own pocket had to help the baby out. I bought her clothes and I bought her shoes, and I supported her, as if she was my own baby.

Q. How long before your daughter-in-law married your son was it that she worked in the Johns-Manville factory ?

A. A long time ago. Many years.

Q. After your son died, did you have in mind to sue the Johns-Manville Company for the loss of your son ?

A. I never had any intentions of suing the Johns-Manville Company for the death of my son, because he did not support me and he didn't support the baby, and because I had to give my son money to help him.

Q. Do you know that you are suing the Johns-Manville Co. for the death of your son, Michael ?

A. Yes.

Q. How did you come to sue this Company ?

A. A lawyer came to my home with a Pollock, who himself lost two daughters and a son, and he told me that he is the man that will get me money for the death of my son.

Q. What is this lawyer's name ?

A. I don't know.

Q. What did this lawyer tell you ?

A. He said "Do you want something from the Company, because all the others are suing the Company for something ?"

Q. What did you say ?

A. If there is something that I can get the same as the others, all right.

Q. Did he speak to you in English ?

A. In English.

Q. Did you understand what you were signing ?

A. The lawyer told me to come to Somerville and he will talk over the case with me. There he asked me to sign papers and I signed them.

Q. How many times was the lawyer in your house ?

A. Once.

Q. How many times was the Pollock, Marshall in your house ?

A. Once.

Q. Who took you to Somerville ?

Q. Did you send for him ?

A. No, this Polock brought him.

Q. Did you tell this Polock to bring a lawyer ?

A. No.

Q. Do you understand English ?

A. A little bit.

Q. Was your husband a citizen of this country ?

A. Yes.

Q. How long is your husband dead ?

A. August of this year.

Q. Do you want to go on with your case against Johns-Manville Co. ?

A. I don't think so.

Q. Do I understand you want to drop the case against Johns-Manville Co. ?

A. Yes, that's right.

Angelina De Muro Graziosi

STATE OF NEW JERSEY (

SS.

COUNTY OF SOMERSET (

1929

On this 9th day of December, 1929, before me personall

appeared, Mrs. Angelina De Muro Grazioso, to me known and

known to me to be the same person described in and who

executed the within instrument and she

acknowledged to me that she executed the sa.

Witnesses
Joe De Muro
Anthony De Muro
Assessors

James E. Ruggiero

I, Carmine Ruggiero, being of full age, hereby certify that I speak, read

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.

ANGELINA DeMURO GRAZIOSI,
administratrix ad prosequendum
of the rights, goods, chattels
and credits of MICHAEL DeMURO,
deceased,

Plaintiffs,

-vs-

JOHNS-MANVILLE CORPORATION, a
corporation of the State of
New York,

Defendant.

ON MOTION TO QUASH
SUMMONS AND DISMISS
COMPLAINT.

ORDER.

This matter coming on to be heard before me,
in the presence of the attorneys of the parties (Samuel
Greenstone appearing for the plaintiff and Hobart & Minard
appearing for the defendant), on the return of the rule to
show cause allowed herein on March 7th, 1930, why the
summons should not be quashed and the complaint dismissed
on the grounds stated in said rule, and the court having
taken the testimony of the parties in open court, and it
appearing that the attorney for the plaintiff was properly
retained and authorized to commence the above action; and
the attorneys for the defendant having consented in open
court to the dismissal of the said rule;

It is, on this 1st day of April, 1930,

ORDERED, that the said rule to show cause be
and the same is hereby dismissed without costs.

Samuel Greenstone
- for Plaintiff.

UNITED STATES DISTRICT Court
FOR THE DISTRICT OF NEW JERSEY

ANGELINA DeMURO GRAZIOSI, adminis-
tratrix ad prosequendum of
MICHAEL DeMURO, deceased,

Plaintiff

vs.

JOHNS-MANVILLE CORPORATION,
a Corporation of the State of New
York,

Defendant

Action at Law.

ORDER FOR DISCONTINUANCE.

2-2015

The above entitled cause having been settled between the parties thereto;

It is ORDERED, that the same be, and it is hereby discontinued, without cost to either party
as against the other.

George T. Keranmer
Clerk

by Charles S. Chevrier
Deputy

Entered June 13, 1934

On motion of

For the Defendant
Attorneys of defendant

Consent is hereby given to the making and entering of the above order.

Amel Greenstein
Attorney of Plaintiff