

FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 1932-1934

DOC#: EADS018

DOCUMENT DESCRIPTION: Documents from Case of Matius Grabow

... and particles to the effect that his

proceedings, hence and NEW JERSEY SUPREME COURT IN
SOMERSET COUNTY.

facted with the same. ...
MATIUS GRABOW,

5. The plaintiff was not informed or warned by the
Plaintiff,

defendant and had no knowledge of the nature of the said

-vs-

ACTION AT LAW.

JOHNS-MANVILLE CORPORATION, : COMPLAINT

an corporation of the State of New York, :
of New York, :
negligence.

Defendant.

6. The negligence of the defendant complained of,

is as follows:-

(a) It is alleged to have reasonable care to provide the
plaintiff (The plaintiff, residing at Manville, New Jersey,

says (that:- failing to use reasonable care to provide the
plaintiff with the said asbestos fibers and particles or safe-
guard 1. The plaintiff was in the employ of the defendant

corporation at its plant at Manville, New Jersey, in the
month of April, 1932, and for a long time prior thereto.

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

3. The said defendant employed the plaintiff at the
time and place above set forth in its manufacture of said
asbestos products, and that the said defendant not only
knew, but should have known that the said asbestos
products contained certain dangerous, insidious and harm-
ful agencies composed of asbestos fibers and other particles
that were destructive to life and health in the human
body, when brought into close contact with the same.

4. The defendant not only knew, but should have known
the dangerous nature of the said asbestos fibers and
particles and failed to keep the same in control, but
the said dangerous fibers and

dangerous fibers and particles to the extent that his bronchial tubes, lungs and body became permeated and infected with the same body, he will be caused to suffer loss. The plaintiff 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 he was brought into close proximity and contact 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 plaintiff with a reasonably safe place of work.

(b) In failing to use reasonable care to provide the plaintiff 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 said plaintiff, at the time and place above mentioned.

7. The said asbestos fibers and particles were introduced into the plaintiff's body at the time and place aforesaid, so that the plaintiff was permanently injured, externally and internally, in and about his head, body and limbs, causing the plaintiff great pain and suffering, both mental and physical, greatly lowered his power of resistance to disease, and he became a victim of pulmonary diseases, and thereby seriously cut off the span and duration of his life, and that by reason of the loss

of his lifetime of his physical and

effort to retard the suffering from his disease and mend the wrecking of his body, he will be caused to suffer losses, expenses and damages to the extent of \$100,000.00.

THE PLAINTIFF demands the sum of \$100,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff.

ENDORSEMENTS

5-232

I hereby deputize Remsen Howard to serve the within writ Witness my hand and seal this 5th day of May 1932.

Wm R. Sheriff.

Sheriff

By Ellsworth Brokaw,

Under Sheriff.

May 5, 1932. I served the within summons and complaint upon the Johns - Manville Corporation a corporation of the State of New York, by serving A. R. Fisher plant manager personally at Manville, N.J.

Fees . 3.78

Wm. R. Sutphen
Sheriff of Somerset County

by Remsen Howard

Special Deputy Sheriff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MATIUS GRABOW,

Plaintiff,

-vs-

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

Defendant.

Action at Law

A N S W E R

Defendant, JOHNS-MANVILLE CORPORATION, a corporation of the State of New York, having its principal office in New Jersey, at Manville, Somerset County, says that:

FIRST DEFENSE

1. It denies paragraph 1, except that it says that the plaintiff was in its employ at its plant at Manville, N. J. from December 28, 1926, to April 8, 1932.

2. It denies paragraph 2, except that it says that it was and has been engaged in the manufacture of asbestos products for commercial purposes from December 28, 1926, to the present time.

3. It denies paragraph 3, except that it says that it employed the plaintiff at its plant at Manville, N.J., from December 28, 1926, to April 8, 1932.

4. It denies paragraphs 4, 5, 6 and 7.

SECOND DEFENSE

The injury and the disease alleged in the complaint were due to one of the risks of his employment assumed by

the plaintiff as part of the terms of his contract of employment in that the plaintiff knew, or by the exercise of reasonable care on his part should have known, the alleged dangers of his employment.

FOURTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff.

FIFTH DEFENSE

The injury and the disease alleged in the complaint were caused by contributory negligence on the part of the plaintiff in that the plaintiff failed to exercise reasonable care to protect himself against the alleged dangers of his employment by using the mask and other appliances provided by the defendant for that purpose.

SIXTH DEFENSE

The injury and the disease alleged in the complaint were due to negligence on the part of a fellow-servant of the plaintiff, in failing to warn and instruct the plaintiff to use the mask and other appliances provided by the defendant for the purpose of protecting the plaintiff against the alleged dangers of his employment.

SEVENTH DEFENSE

Plaintiff's action is barred because it was not commenced and instituted within two years next after the alleged cause of action accrued.

Hebert & Minner
Attorneys for Defendant.

UNITED STATES DISTRICT
DISTRICT OF NEW JERSEY

Court

MATIUS GRABOW

Plaintiff

vs.

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

Defendant

Action at Law.

ORDER FOR DISCONTINUANCE.

L 3131

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 J. Cranmer
Clerk

by Charles S. Cheverie

Deputy

Entered June 13, 19 34

On motion of

Hobart & Menard
Attorneys of defendant

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

Samuel P. Jones