FORM 98

MISSOURI CIRCUIT COURT
TWENTY SECOND JUDICIAL CIRCUIT
(ST. LOUIS CITY)

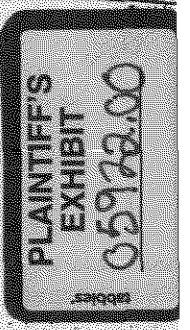
Daniel A. Weaver

VS. No. 212338-B Room

Eternit, Inc., et al

ENTIRE FILE





STATE OF MISSOURI }
CITY OF ST. LOUIS } ss.

I, **FREEMAN R. BOSLEY, JR.**, CLERK OF THE CIRCUIT COURT, CITY OF ST. LOUIS, within and for the City and State aforesaid (said Court being a Court of Record, having a Clerk and official Seal), do hereby certify that the annexed and foregoing is a full, true and complete copy of the original. Entire File.

in the cause aforesaid, as fully as the same remains among the records and files of said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at office, in the City of St. Louis,

this 17th day of April, 19 91

FREEMAN R. BOSLEY, JR.
CLERK, CIRCUIT COURT

By Dolores Howard
Deputy

18 B Daniel A. Hoerer, vs Hyerait, Eje, a cert. of ...

TAXED

TAXED AUG 20 1937

		WITNESSES						
						Clerk ~~Schmidt~~		13 35
						Sheriff Madden	1 yr.	4 50
						" " Fitzsimmons	2 yr.	30
						Sheriff Strodtman	1 yr.	
						" "	2 yr.	
						" "	3 yr.	
						" "	4 yr.	
						" Schuler		
						Stenographer		
						Jury		
						Attorney		3.00
						Plaintiff		
						Notary		
						Referee		
						Sup. Court		

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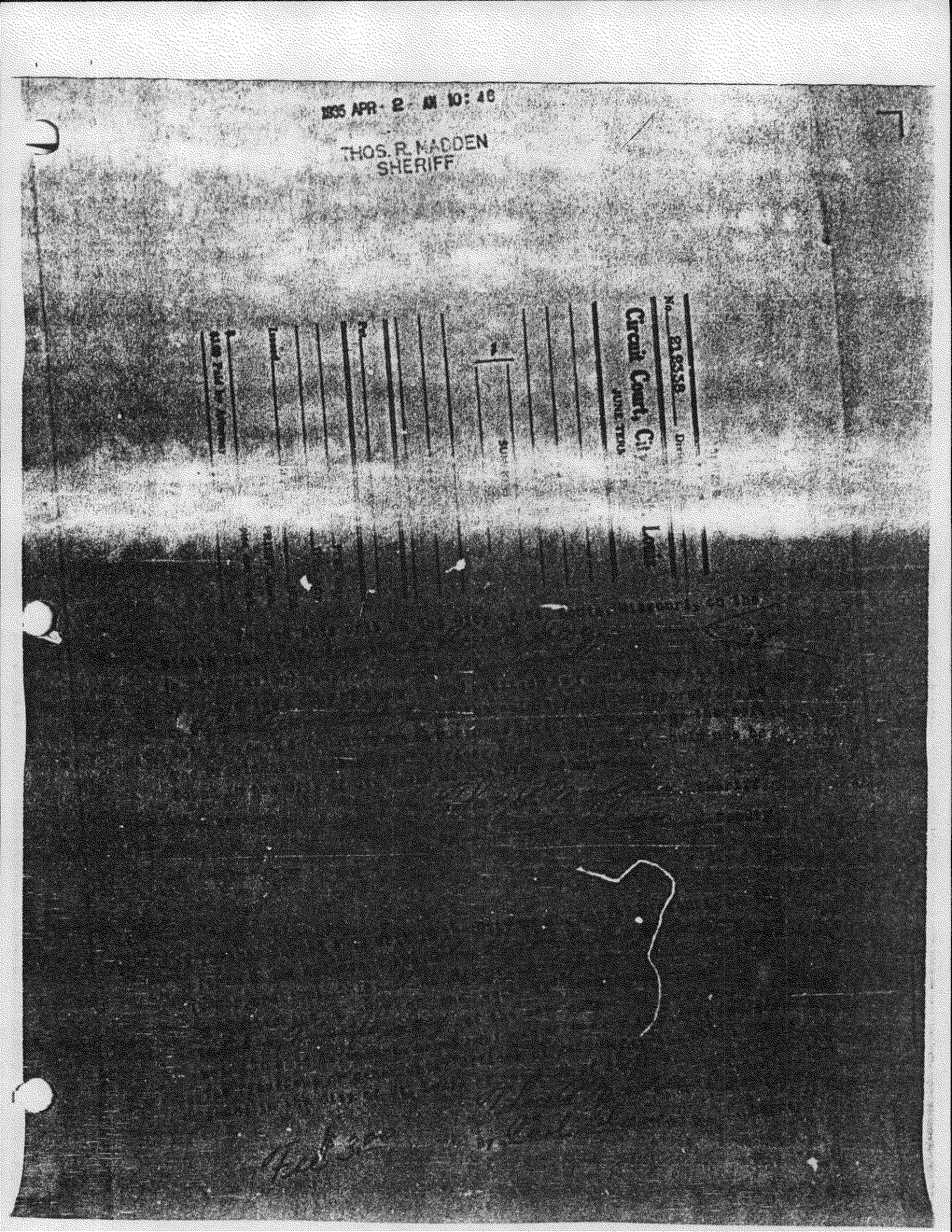
THOS. R. MADDEN
SHERIFF



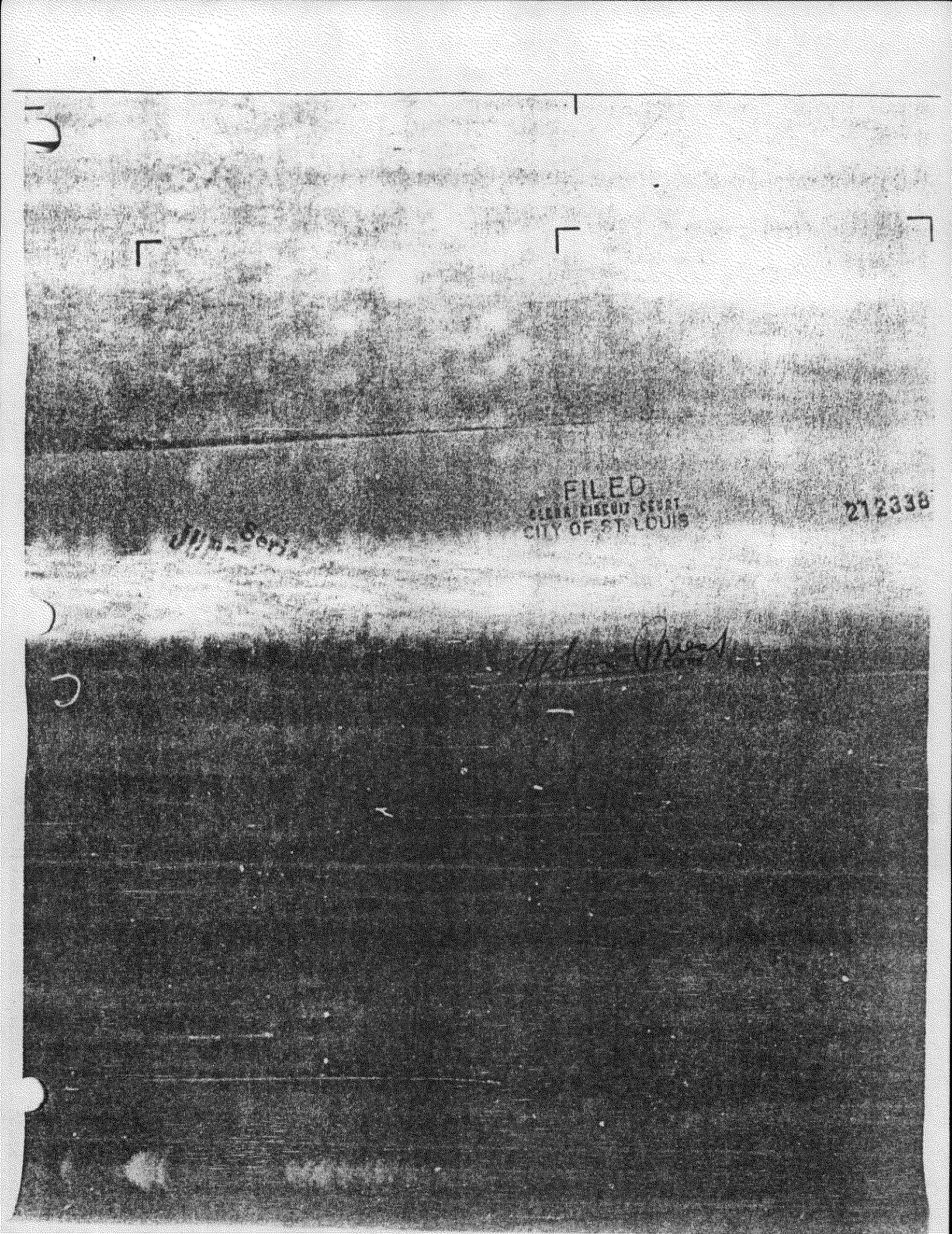
The State of Missouri,

To the Sheriff of the City of St. Louis—Greeting:

We command you to summon Eternit, Inc. A Corporat:

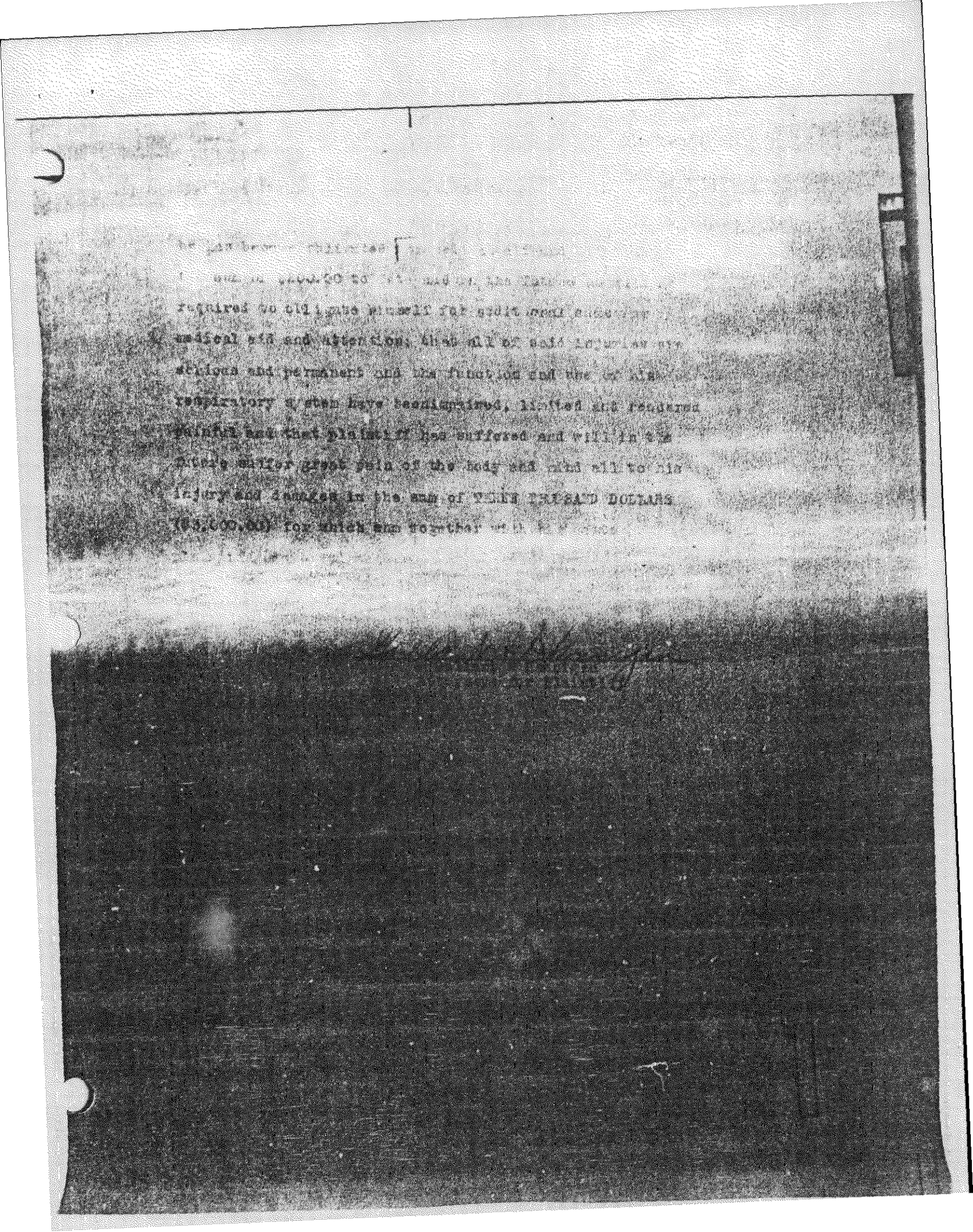
Ruberiod Company, A Corporation

and there to answer the complaint of


FILED
CLERK CIRCUIT COURT
CITY OF ST. LOUIS
212336

to work [illegible] were generated in said manufacture which when taken into the lungs would produce illness or disease and the defendant carelessly and negligently failed to provide plaintiff with a respirator or mask to prevent the inhalation of said dust or to provide blowers, fans or conductors for the purpose of removing said dust from the plant and from the machines there.

Ten. the defendants carelessly and negligently failed to warn plaintiff of the dangers incident to said work.



away from the employees such as, poisonous or injuri- *
dusts and failed to remove dust and refuse incident to such
work from the floors, all in violation of the laws of the
State of Missouri then and there in full force and effect,
being Section 13248 of the Revised Statutes of Missouri,1939.

Seven, the defendants negligently and

Three, the defendants carelessly [illegible] and in violation of law failed and omitted to provide working clothing to be used exclusively by each employee and did negligently and carelessly and in violation of law fail to provide adequate and approved respirators without cost to the employees and failed and omitted to require employees to wear such respirators while engaged in said work

Four, the defendants carelessly and negligently and in violation of law failed and omitted to cause plaintiff while employed in said work as aforesaid, to be examined by a [illegible]

of dust would be emitted into the atmosphere; that plaintiff was required to breathe into his lungs said dust; that said dust particles contained silicates, lime, free silica, asbestos and carbon, which particles were injurious to the health of persons so breathing said dust; and that as a direct result of the negligence and carelessness of the defendants as hereinafter mentioned, plaintiff was caused to

[illegible]

[illegible]

IN THE CIRCUIT COURT OF THE CITY OF [illegible]
STATE OF MISSOURI

DANIEL A. WEAVER,

Plaintiff,

vs.

[illegible], INC., A Corporation and THE [illegible] COMPANY, A Corporation,

Defendants.

Damage Suit

[illegible]

Form No. 19

No. [illegible] Series B.

Weaver

Plaintiff.

vs.

Eter wit

Defendant.

STATE OF MISSOURI, } ss.
City of St. Louis }

IN THE CIRCUIT COURT,
City of St. Louis
June Term, 1935

AND NOW, AT THIS DAY, come H. SAM PRIEST, Clerk of the Court, and THOMAS P. MADDEN, Sheriff of the City of St. Louis, [illegible] accrued, or hereafter to accrue, [illegible] property, subject to execution, [illegible]

H. Sam Priest
Clerk, Circuit Court.

Thos. P. Madden
Sheriff of the City of St. Louis.

STATE OF MISSOURI, } ss.
City of St. Louis }

WILLIAM [illegible], being duly sworn, upon his oath states that he is a Deputy Clerk of the Circuit Court, City of St. Louis, that he has examined into the subject matter of the above motion, and that the facts stated in said motion are true, to the best of his information and belief.

William [illegible]

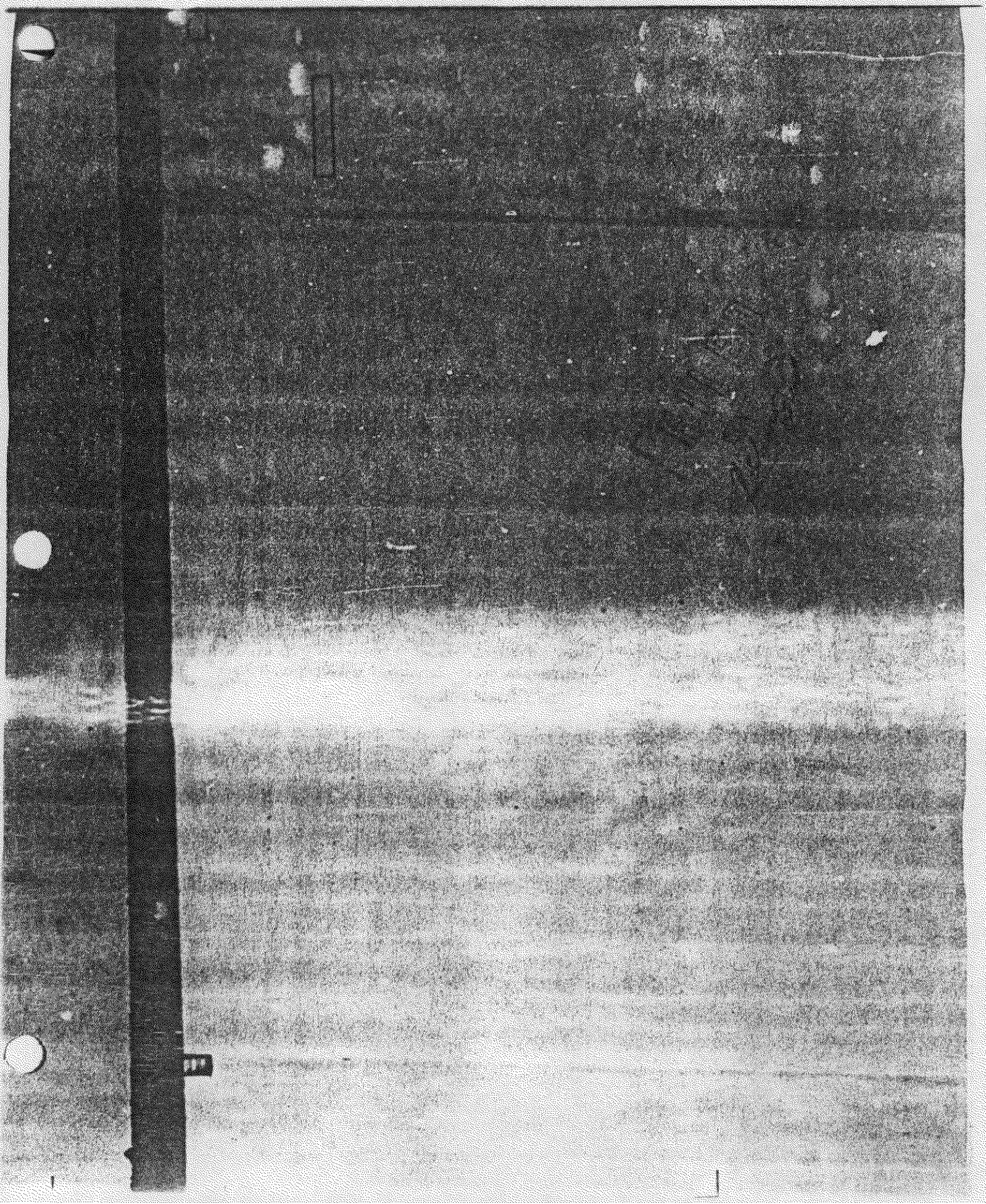
[illegible]

[illegible], Circuit Court.

Section B

No. 21231 Division

Circuit Court, City of St. Louis



STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT - JUNE TERM - 1935.

DANIEL A. WEAVER,)

[illegible]

ETERNIT, INC., a corporation
and THE RUBEROID COMPANY, a
corporation,) Div. No. 1

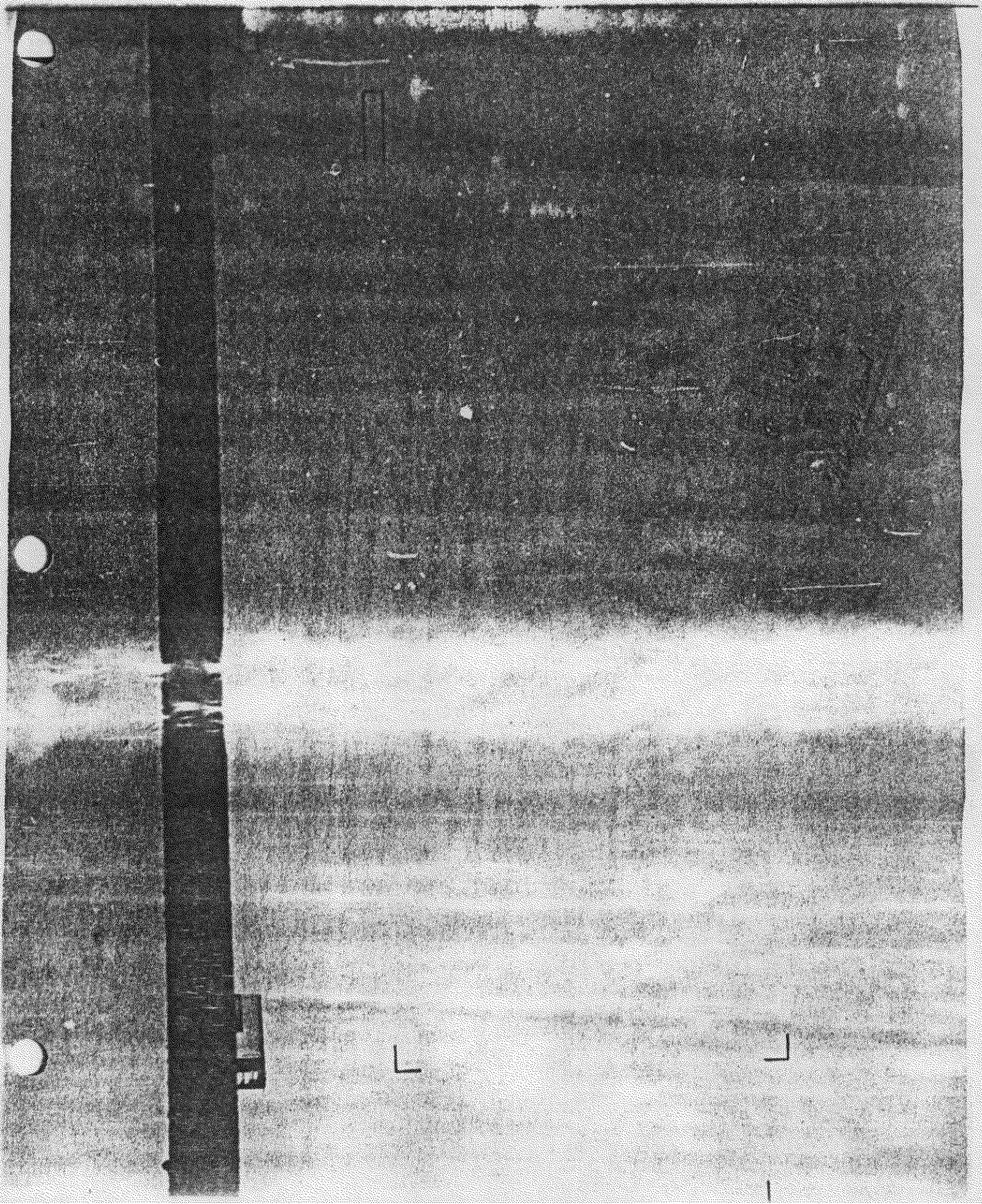
Defendants.)

SEPARATE DEMURRER OF DEFENDANT ETERNIT, INC.,
TO PLAINTIFF'S PETITION.

Now comes Eternit, Inc., one of the above named defendants, and demurs to the petition of plaintiff filed herein, and, for grounds of this demurrer to said petition, says:

1. That said petition fails to state facts sufficient to [illegible]

[illegible]



STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT - JUNE TERM - 1935.

DANIEL A. WEAVER, Plaintiff,) No. 212538

vs.

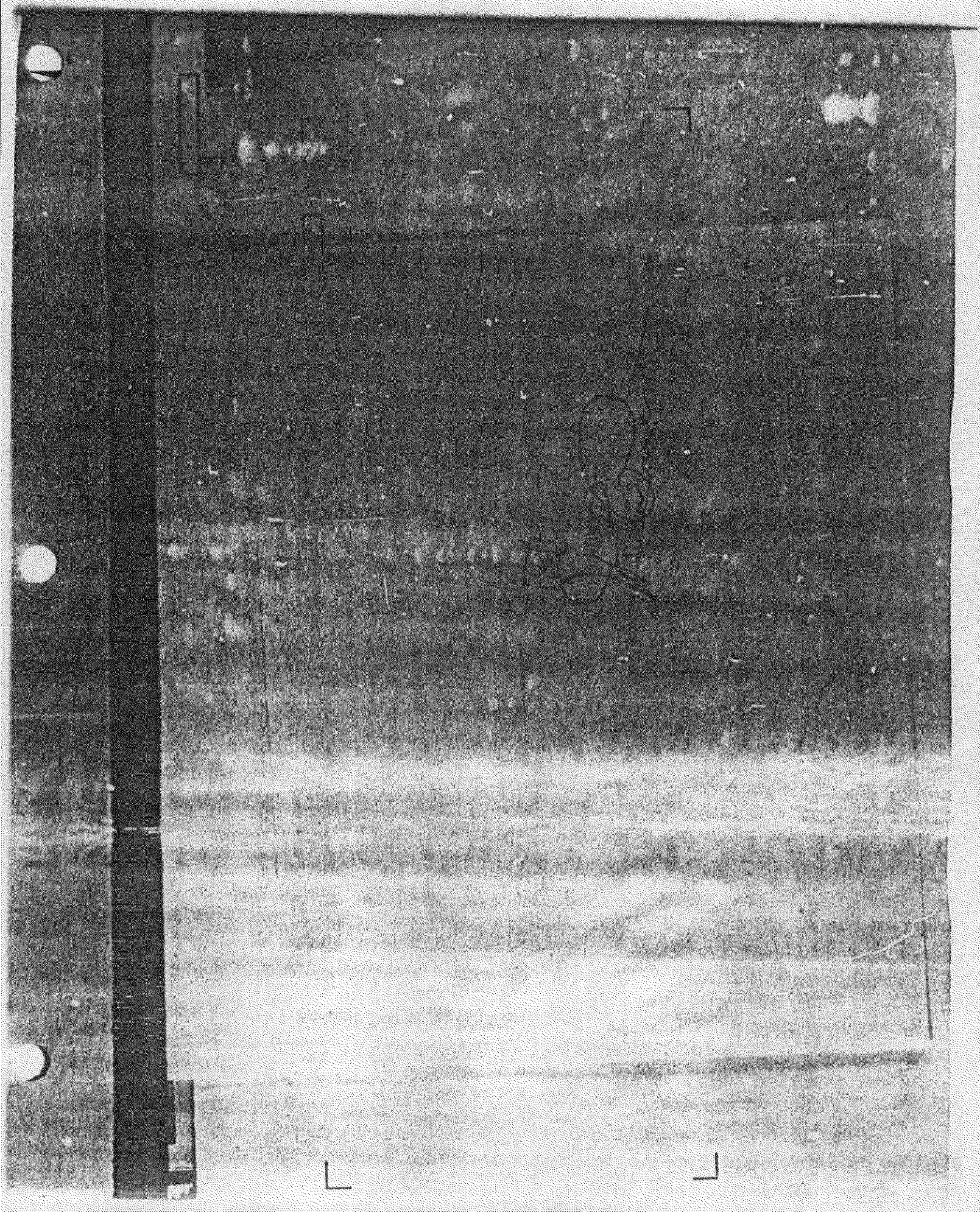
[illegible]

SEPARATE [illegible] OF DEFENDANT THE RUBEROID COMPANY.

[illegible] Ruberoid Company, one of the above named de- [illegible] the petition of plaintiff filed herein, and, [illegible] petition, says:

[illegible] facts sufficient to [illegible]

[illegible] petition, plaintiff [illegible]



STATE OF MISSOURI }
CITY OF ST. LOUIS } SS

IN THE CIRCUIT COURT - SEPTEMBER TERM - 1936.

[redacted] A. WEAVER,

Plaintiff,

vs.

EVERETT, INC., a corporation, and THE EVERETT COMPANY, a corporation,

Defendants.

} Div. No. 1

Comes now EVERETT, INC., one of the above-named defendants, and for its answer to plaintiff's petition filed herein, states that it [redacted] [redacted] [redacted]

matters in bar of this suit, and says that by reason [illegible]

not entitled to bring and cannot maintain this action, and that this Court

is without jurisdiction of the subject matter of this suit.

-II-

Further answering, this defendant denies each and every allegation

of plaintiff's petition contained and set forth.

WHEREFORE, having fully answered, this defendant prays to be hence

[illegible]

Commission, and that any employe entering the services of such employer and any employe remaining in such services thirty days after the posting of such notice shall be conclusively presumed to have elected to accept the provisions of said section as amended unless he shall file with the Commission and his employer a written notice that he elects to reject such act. And defendant states that said amendment of said Section 3305 became effective on September 14, 1931; that thereafter, to-wit, on the 30th day of August, 1933, this defendant did elect to bring itself within the provisions of said [illegible] respect to occupational diseases by filing that day with [illegible]

[illegible] in conspicuous places on its premises, in and about its said plant, notices thereof furnished by said Commission, and did keep such notices posted in such conspicuous places on its said premises; and that the plaintiff remained in the services of this [illegible] thirty days after the [illegible] said Commission, or with [illegible] said act or said [illegible] have [illegible] as aforesaid [illegible] and [illegible]

[illegible]

that during said times plaintiff [illegible] under a contract

of hire in the State of Missouri between plaintiff and defendant, and

that plaintiff's annual net earnings under said contract of employment were

less than Thirty-six Hundred Dollars ($3600.00). And this defendant states

that neither the plaintiff nor this defendant ever filed with the Missouri

Workmen's Compensation Commission a notice of election to reject the pro-

visions of said Workmen's Compensation Act of Missouri and that at all of

the times [illegible] this defendant were and are conclusively pre-

sumed to have accepted the provisions of said Act, and said Act governed both plaintiff and

this defendant relative to injuries sustained by plaintiff arising out of and

in the course of his said employment, and this defendant further states that

at the time of the said injuries, and this defendant complied with all the provisions of said

Act, and [illegible]

[illegible] Act, and the employee came within

[illegible] created by said Act to

[illegible] employers at

[illegible]

[illegible]

[illegible]

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT - SEPTEMBER TERM - 1936.

DANIEL A. WEAVER,

Plaintiff,

vs.

STERLIN, INC., a corporation, and THE RUBEROID COMPANY, a

Defendants.

No. 212338

Div. No. 1

SEPARATE PLEA TO THE JURISDICTION AND ANSWER OF DEFENDANT THE RUBEROID COMPANY.

FORM NO. 14

In the Circuit Court City of St. Louis

DANIEL A. WEAVER, Plaintiff,

VS.

ETERNIT, INC., a corporation, et al. Defendants.

No. 812338 Form No. 1 September 1934

MEMORANDUM FOR CLERK

Form No. 18

No. 212338 Series B. Division

Weaver

Plaintiff.

vs.

Eternit

Defendant.

STATE OF MISSOURI, } ss.
City of St. Louis }

IN THE CIRCUIT COURT,
City of St. Louis
June Term, 1935

AND NOW, AT THIS DAY, come H. SAM PRIEST, Clerk of this Court, and THOMAS R. MADDEN, Sheriff of the City of St. Louis, and move the Court to rule that Plaintiff give security for the costs already accrued, or hereafter to accrue, in the above entitled cause, for the reason that plaintiff has not sufficient property, subject to execution, out of which the officers of the Court could levy their costs.

H. SAM PRIEST

THOMAS R. MADDEN
Sheriff of the City of St. Louis

STATE OF MISSOURI, } ss.
City of St. Louis }

WILLIAM HOEHN, being duly sworn, upon his oath states that he is a Deputy Clerk of the Circuit Court, [illegible] he has [illegible] into the subject matter of the above motion, and that the [illegible] information and belief.

WILLIAM HOEHN.

H. SAM PRIEST,
Clerk, Circuit Court.

[illegible]

[illegible] in the above cause has been filed, of which above [illegible]

Very respectfully,

H. Sam Priest
Clerk, Circuit Court.

Thos. R. Madden
Sheriff of the City of St. Louis

Series B

No. 212537 Division

Circuit Court, City of St. Louis

FILED

In the **Circuit Court** City of St. Louis

Weaver, Daniel A.

VS.

Eternit, Inc., and The Rubersid Co.

No. 212338 Room 1 August 18 1932

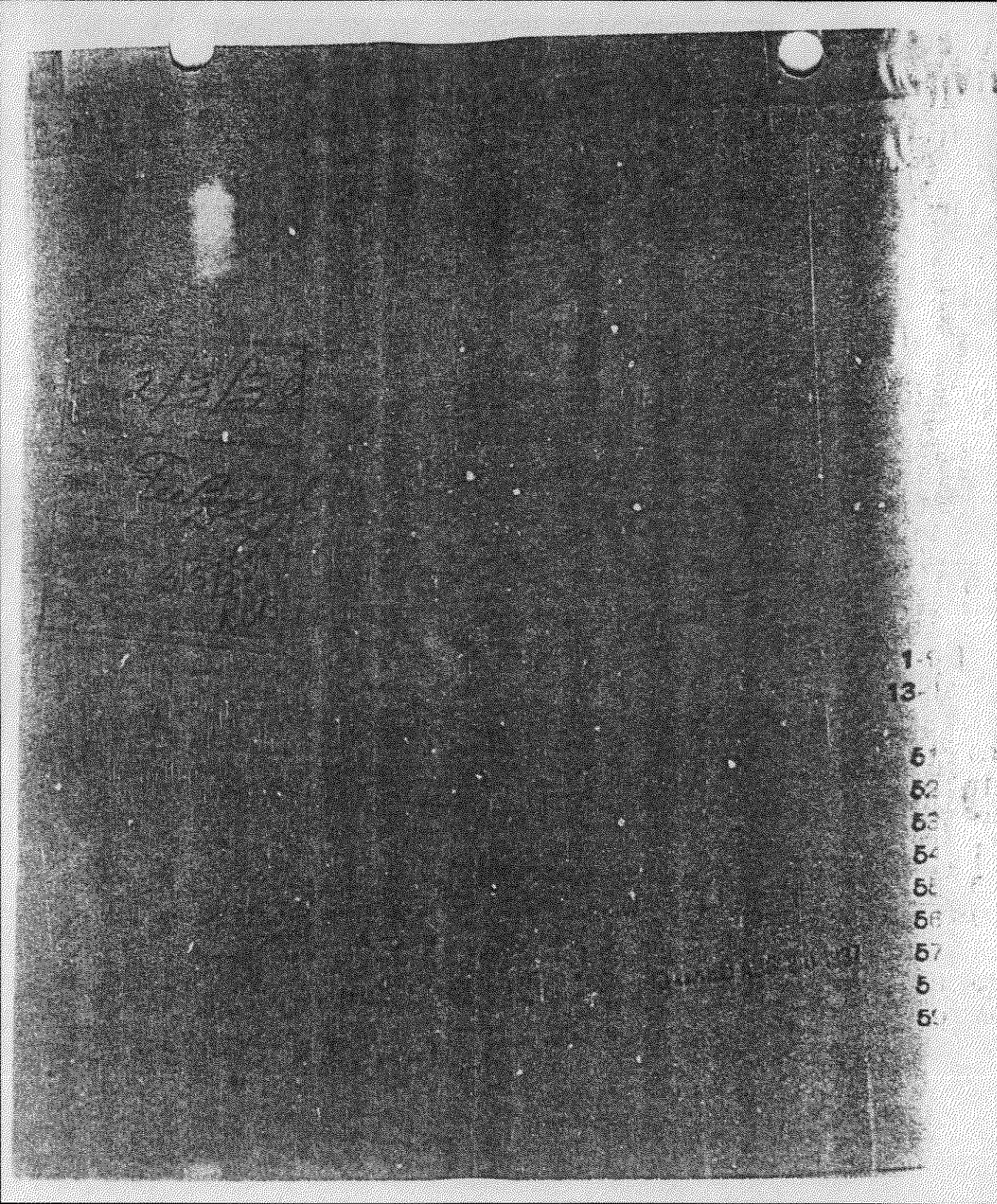
[illegible]

[illegible] Marsalek & [illegible]

[illegible] Attorneys for Defendants

MINUTES OF PROCEEDINGS

JUN 3 - 1935	Mo. for Sec'y. for Costs filed
JUN 5 1935	Sep. Demurrer (2) of Defts ~~[illegible]~~ to Pt. filed /[illegible] 381
NOV 27 1936	By Leave Sep. Demurrers of Defts Withdrawn. Sep. Plea to the Jurisdiction and Ans. of Deft The Ruberoid Company and Sep. Ans. of Deft. Eternit, Inc. Filed /554
JUN 18 1937	RETURN FILED. MO. FOR SEY'S FOR COSTS SUSTD. 10 DAYS TO GIVE BOND OR DEPOSIT $50.00 /571
AUG 13 1937	Cause dismissed for failure to secure costs.



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Issued

$ 4.00

$3.00 Paid by Attorney.

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RTMENTS

51 HIERS

52 NSCRIPT

53 TS

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57 BILL

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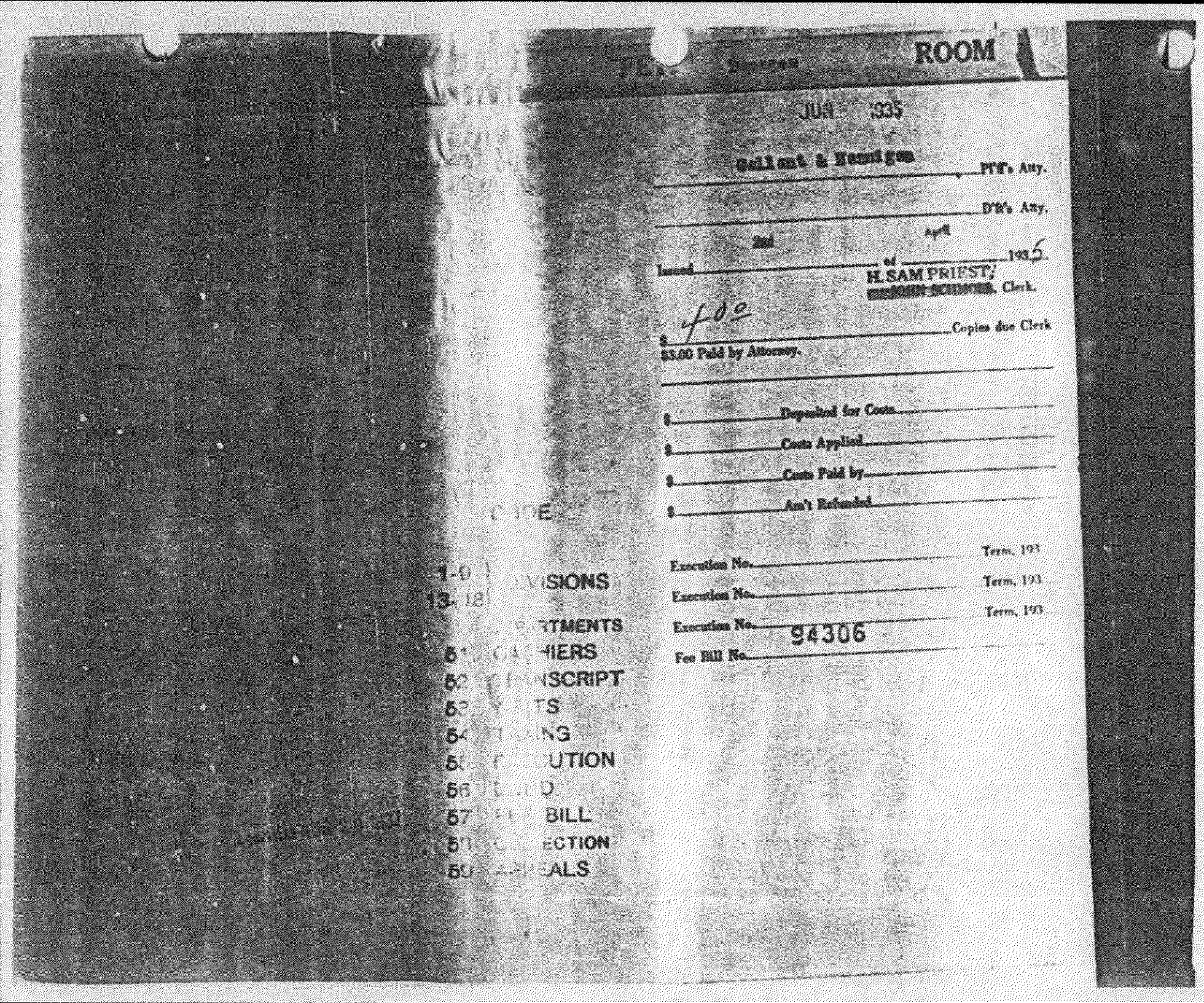
59 ALS

Execution No.

Execution No.

Execution No. 94306

Fee Bill No.



ROOM

JUN 1935

Gallant & Hennigan Pl'ff's Atty.

D'ft's Atty.

Issued 2nd of April 1935

H. SAM PRIEST, ~~JOHN SCHMOER~~, Clerk.

$ 4.00 Copies due Clerk

$3.00 Paid by Attorney.

$ Deposited for Costs

$ Costs Applied

$ Costs Paid by

$ Am't Refunded

Execution No. Term, 193

Execution No. Term, 193

Execution No. Term, 193

Fee Bill No. 94306

CODE

1-9 VISIONS

13-18

RTMENTS

51 HIERS

52 NSCRIPT

53 TS

54 NG

55 UTION

56 D

57 BILL

58 ECTION

59 ALS