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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION
CASE NOs. 3-83-511 and 3-84-768

DISCOVERY DEPOSITION OF BENJAMIN G. MIRIELLO

COUNTY OF ANDERSON, TENNESSEE, et al., GEORGE LOUIS BYRD, et ux.,

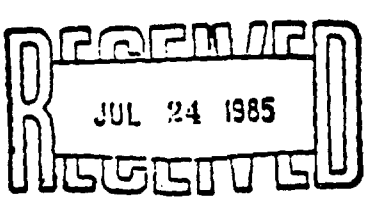
Plaintiffs,

vs.

UNITED STATES GYPSUM COMPANY, et al.,

Defendants.

PURSUANT TO NOTICE and COURT ORDER, the above-entitled deposition was taken on behalf of the Defendant, U.S. Gypsum, at 13696 East Iliff Place, Aurora, Colorado, on January 14, 1985, at 10:20 a.m., before Dawn Calderwood, Certified Shorthand Reporter and Notary Public.



CALDERWOOD/MACKELPRANG & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS, RPR's
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APPEARANCES:

For the Plaintiffs: MICHAEL Y. ROWLAND
Rowland & Rowland
10 Emory Place
Post Office Box 3308
Knoxville, Tennessee

For the Defendant U.S. Gypsum: DARRYL G. LOWE
Kennerly, Montgomery & Finley
1701 Plaza Tower
Post Office Box 442
Knoxville, Tennessee

Also present: Barbara Arras

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P R O C E E D I N G S

WHEREUPON, the following proceedings were taken pursuant to the Federal Rules of Civil Procedure.

* * * * *

MR. LOWE: This deposition of Mr. Miriello is being taken pursuant to notice for a discovery deposition and also pursuant to the order of Judge Murrian of the United States District Court for the Eastern District of Tennessee.

And if we could, we would like to go ahead and attach the notices to the deposition.

MR. ROWLAND: You brought copies, so that's fine.

MR. LOWE: That's probably for both; right?

MS. ARRAS: It's for Anderson, Byrd, Lytle and Shultz.

MR. ROWLAND: And noticed in two or three other cases. I will try to get you a complete list of them.

BENJAMIN G. MIRIELLO,

having been first duly sworn to tell the truth, testified as follows:

EXAMINATION

BY MR. LOWE:

Q. Mr. Miriello, if you would, please state your full name for the record.

A. Ben -- otherwise known as Benjamin -- G. Miriello.

Q. What is your present address?

A. 2750 South Xanada Way, Aurora, Colorado.

Q. If you would, please, give me your date of birth.

A. April 9th, 1920.

Q. And that would make you, presently, 64?

A. Correct.

Q. And by whom are you employed?

A. I am retired from AT&T Technology.

Q. How long did you work for AT&T Technology?

A. Forty-two years.

Q. When did you retire?

A. In June of 1984.

Q. So you would have started for AT&T, then, back in 1942?

A. Correct.

Q. Is that correct? All right. Let me go back, if I could, and give me your place of birth.

A. Place of birth would be Jersey City, New

Jersey.

Q. And did you grow up there?

A. I did.

Q. Did you go to school there, your primary elementary education?

A. I did.

Q. At what location did you first work for AT&T Technology?

A. In the Kearny Works at Kearny, New Jersey.

Q. Were you still living in Jersey City at that time?

A. I was.

Q. When did you move away from Jersey City for the first time?

A. For the first time -- after I married -- you want an approximate date? I couldn't give you the actual date.

Q. Yes.

A. You are taxing my memory, and it's not that great. Well, I was married 30 years. So let's take back from 30, would be the approximate time I moved out of Jersey City.

Q. At age 30?

A. Yes.

Q. So that would have bee about 1950?

A. Got me. I didn't realize that I had to come up with these kinds of dates. What the heck. Barbara -- Ron was born there, so he's 32. Thirty years ago, yeah.

Q. Do you recall approximately when you moved to the Denver area?

A. Some 20-odd years ago -- 1965.

Q. 1965?

A. Uh-huh.

Q. Now, what line of work did you follow after you finished high school?

A. Well, I started working for Western Electric.

Q. You started immediately after high school?

A. Yes.

Q. Okay.

A. Barring -- well, actually, yes. I went into the service after that, while I was working for them.

Q. You were in the service for what years?

A. Well, 1942 to 1945.

Q. Do you recall what year you graduated from high school?

A. 1937.

Q. What did you do from 1937, then, to 1942?

A. What did I do from 1937 to 1942?

Q. What line of work, or did you work?

A. I worked for Macy's, Bloomingdale's, Colgate-Palmolive.

Q. Still living in Jersey City?

A. Correct.

Q. Now, if you could, I would like to ask you at this time to produce for us, to take a look at, any documents that you intend to use or that you will be relying upon in your deposition here today.

Do you have anything?

MR. ROWLAND: I have got copies of --

THE DEPONENT: Copies of the letter that I wrote to U.S. Gypsum.

MR. ROWLAND: I thought you already had these (indicating).

MR. LOWE: I can't anticipate what you are going to use in the deposition.

THE DEPONENT: The letter I wrote to U.S. Gypsum about my father's death, their reply, and his death certificate.

BY MR. LOWE:

Q. Let me ask you if this letter dated June 8, 1950, is the letter that you wrote regarding your father's death?

A. Very much so.

Q. And is that letter one that you intend to rely upon in your testimony here today?

A. When you say "rely upon," how do you mean?

Q. Well, is it your understanding that you are going to be using this letter in your testimony here today?

A. Well, I will refer to this letter, yes.

Q. And the second document is a letter dated December 27th, 1950, which I understand to be the reply to your letter?

A. That's correct.

Q. And then you have shown us a copy of a death certificate. The name of the deceased is Raffaele, Ralph, Miriello. Is that correct?

A. Correct.

Q. Do you know of any other documents that you have in your possession or have access to that you will rely upon to give your testimony here today?

A. No.

Q. Have you gotten any information, that you intend to testify about today, from relatives back in New Jersey?

A. I should have and could have; but I didn't, no.

Q. All right, sir. Let me ask you, if I can, please, sir, to tell me your father's main occupation as you recall it from the earliest part of your childhood that you have a recollection of.

A. Cabinetmaker.

Q. And in that particular occupation, what type of things did he do? -- if you know.

A. What did he do?

Q What type of things did he do?

A. Made chest of drawers -- you know, furniture, woodworking.

Q. Would that have been primarily in the Jersey City area?

A. Yes.

Q. Now, was that his main occupation throughout his adult work life history up until the time of his death?

A. Very much so, yes.

Q. Do you know how he came to work at the Henderson Street plant?

A. Yes. During the depression years, jobs were hard to come by. And he was forced to look for employment elsewhere.

Q. In other words, he couldn't make a living to support his family as a cabinetmaker at that time,

during the depression years, so he then took employment where he could find it, basically, for that period of time?

A. Correct.

Q. Did he, at some point in time after working at the Henderson Street plant, then go back to his employment as a cabinetmaker after the economy got better?

A. True.

Q. The depression years, from my history lessons -- not from my memory -- started about 1929. Do you know, or do you have any idea when your father worked at the Henderson Street factory?

A. Somewhere or another the date of 1933 comes into play, as far as my recollection goes.

Q. Realizing that's a long time ago --

A. Correct.

Q. -- and that our memories aren't always the best, but sitting her today under oath, your best recollection is that your father worked at the Henderson Street plant in 1933?

A. Approximately, yes.

Q. Okay. Do you have any independent recollection as to how long he worked at the Henderson Street plant?

A. Several years.

Q. In your letter you indicate that your father worked in the Henderson Street plant in 1935. Would it be your best recollection that he worked there from the years 1933 to 1935?

A. Yeah -- within that area or years, yeah.

Q. Is there some way you can correlate the time that he worked in the Henderson Street plant with your childhood or your experiences or your age or years in school? Is there any way that you can go back and do that?

A. Let's see. How can I correlate it? No, I guess my recollection would only be the fact that I remember coming home from school and having lunch with him when he was working at that plant.

Q. Would that have been before you went to high school, or do you recall?

A. It would be, yeah, uh-huh.

Q. Is there something about that -- in other words, you recall coming home from lunch yourself before you went to high school but not after you started high school?

A. No, I just realized I came home from school and had lunch with him. So it was during the depression years. If I had to, I could sit down and

figure it out; but you are taxing my memory somewhat.

Q. Is it your best recollection, as we sit here today, that he went back into the cabinetmaking or furniture-making occupation around 1935 or 1936?

A. Uh-huh, somewhere in there.

Q. Don't say "uh-huh," if you would, for the court reporter. Please say yes or no.

Is it your best recollection that he went back into his main occupation as a cabinetmaker between 1935 and 1936?

MR. ROWLAND: If you know the exact date.

THE DEPONENT: I don't know the exact dates. I am approximating the dates. Yeah, somewhere in that area.

BY MR. LOWE:

Q. Now, you have indicated that probably the beginning of his work at the Henderson Street plant was probably around 1933. Could it possibly have been earlier than that?

A. Could it have been earlier? I really couldn't say actually whether it was earlier or not. But those are the immediate dates that I can recollect.

Q. I apologize for being insistent -- but 1933

to 1935 are the years that you feel comfortable with; is that correct?

A. In that range, could be two years before or after.

Q. What was the address where you and your family lived back then?

A. 218 Grand, G-r-a-n-d. That's on the letters, also.

Q. All right. Do you recall ever living at 8 Lexington Avenue in Jersey City?

A. I lived at 8 Lexington Avenue in Cranford not Jersey City.

Q. That was not in Jersey City?

A. That was my first home that I moved to after getting married.

Q. While your father worked at the Henderson Street plant, you lived on Grand Street?

A. Correct.

Q. And you probably recall that because it was in fairly close proximity to the plant?

A. Very much so; it's just around the corner.

Q. Was your father a cigarette smoker?

A. No. He smoked an occasional cigar.

Q. Your best recollection is that he did not smoke cigarettes?

A. That's for sure.

Q. Do you recall, sir, whether or not your father ever received his wages in a pay envelope with cash in it as opposed to a check, or do you recall? Do you have a recollection one way or the other?

A. Somehow -- this is vague -- but I think it was a check.

Q. Do you know if you or any member of the family -- your brothers and sisters -- would have a check stub or some sort of a pay slip --

A. At this day and age?

Q. Yes.

A. No.

Q. -- that would show, specifically, who it was that your father worked for at the Henderson Street plant?

A. No, by no means.

Q. Let me ask you, Mr. Miriello: Do you smoke, or have you ever smoked?

A. Yes, I do.

Q. On a regular basis?

A. Uh-huh.

Q. How much do you smoke, please, sir?

MR. ROWLAND: What does that have to do with this case?

MR. LOWE: This is discovery. All I am asking him about are his smoking habits on a daily basis.

MR. ROWLAND: What in the world does that have to do with the subject of this litigation?

MR. LOWE: It may be tied in. I don't think I have to show it's relevant at this point in time, or it's admissible evidence. I don't think the Rules require me to do that.

THE DEPONENT: Suppose I am refusing to answer?

MR. LOWE: I want to ask you that.

THE DEPONENT: I don't think it's relevant to what we are talking about. That's my own personal opinion.

BY MR. LOWE:

Q. Do you mind telling me how long you have been a smoker?

A. No, because we are not talking about me. I am not being prosecuted, as such.

Q. Did you ever receive any baseball cards in tobacco that your father brought home when you were a boy? Do you ever remember getting anything like that?

A. No.

Q. You don't remember your father bringing

cigarettes to the house or smoking cigarettes?

A. Not at all. I already told you he was an occasional cigar smoker.

Q. When you were growing up, do you recall reading the city newspaper?

A. Yes.

Q. Was that the Jersey Journal?

A. Correct.

Q. Let me show you, if I could, please, sir, a copy of the Jersey Journal dated Tuesday, March the 3rd, 1936, and ask you if you would look at that and just familiarize yourself with that for a minute.

MR. ROWLAND: How about showing me the other documents that you have got from your company files about his father and his employment.

MR. LOWE: I don't have -- as a matter of fact, there is no evidence that he ever worked for U.S. Gypsum.

MR. ROWLAND: Yeah, there is. Right here (indicating) is the evidence.

MR. LOWE: A search has been made, and there is no evidence that he worked for the U.S. Gypsum Company.

THE DEPONENT: This (indicating) is their rely to my letter, and it says U.S. Gypsum.

I can't read this; I am sorry. It's too --
BY MR. LOWE:
Q. Are you not able to read that print?
A. Just the large print, yeah.
Q. Read to me, if you would, what you can read.
A. What I can read? "Large Gypsum Firm Comes Here; Jobs For Hundreds."
Q. Is there anything else in that article that you can read?
A. "$100,000,000 corporation takes 50-year lease. Decision made after survey conducted, say officials."
Q. Anything else?
A. "Murder trial."
MR. LOWE: We would ask that that or a copy of that newspaper article be introduced and admitted as Exhibit 1 to your testimony.
(Deposition Exhibit 1 was marked for identification.)
BY MR. LOWE:
Q. Mr. Miriello, a few minutes ago you indicated -- when I was having a side conversation with Mr. Rowland about employment records regarding your father -- that the letter that we looked at was an indication that your father worked for U.S. Gypsum

Company.

Can you tell me which letter you are talking about?

A. Both.

Q. Would you show me, in the United States Gypsum letter, where it indicates that your father worked for United States Gypsum Company?

A. It's in reply to my letter.

Q. They don't acknowledge in their letter to you that he worked there; do they? You are just saying that since they did write you back, that you feel that's an indication he did work there; is that right?

A. I was invited for a tour of the plant. I went for a tour of the plant at their request.

Q. They invited you for a tour of the plant?

A. Yes.

Q. Is that what you are relying upon to show that your father worked for U.S. Gypsum?

A. I know he worked there.

Q. I understand that you say he worked there.

A. I know he worked there.

Q. All right, sir. But is there anything, other than what you just pointed out in the letter, that indicates that he did, in fact, work there -- by

documents, not by what you are saying but by a document?

Do you feel there is anything in this letter dated December 27, 1950, to you that admits or indicates that your father worked for United States Gypsum Company?

A. I don't know what you are driving at.

Q. What I am driving at -- is there any acknowledgement anywhere in this letter that states that your father did, in fact, work for United States Gypsum Company?

MR. ROWLAND: Well, I think the letter speaks for itself.

MR. LOWE: I am entitled to ask and have that question answered.

THE DEPONENT: One would think that if I wrote a letter to my father's place of employment and they replied, that that, in itself, is an acknowledgement of his being an employee there.

BY MR. LOWE:

Q. So I will understand, the only thing that you are relying upon as evidence that your father worked at United States Gypsum Company is the fact that you wrote them a letter and that they wrote back?

MR. ROWLAND: That's not correct. He

said he knew he worked there.

MR. LOWE: I am asking you, sir --

THE DEPONENT: I used to bring lunches to him there.

BY MR. LOWE:

Q. We are talking now, at this point, about documents that indicate whether your father did or did not work for United States Gypsum Company.

A. Here's (indicating) another document that will tell you, because he died of asbestosis.

Q. Is there anything on the death certificate that indicates your father worked for U.S. Gypsum?

A. Where else would he have gotten asbestosis?

Q. Is --

A. On the heading of this letter --

Q. Let me finish my question first. Is there anything on the death certificate, anywhere, that states United States Gypsum Company?

A. No. But I am sure if you went to Dr. Blum's records, it does list U.S. Gypsum Company.

Q. Is there anything on the United States Gypsum Company letter that acknowledges that your father was ever an employee of United States Gypsum Company? -- other than the fact that they simply responded to your letter.

A. Well, wouldn't one think that if you wrote to a company --

Q. Excuse me, sir, just answer my question.

MR. ROWLAND: Darryl, he's trying to answer.

BY MR. LOWE:

Q. Is there anything in this letter, anywhere, that acknowledges that your father worked for United States Gypsum Company?

A. I am telling you, sir, that if one wrote a company, they would deny the letter that they received. And they wouldn't bother answering it and would say we will not concede to the fact that your father worked here, so we have no further acknowledgement of your letter.

But they are acknowledging my letter and answering it and stating that they are -- as you can very well read.

Q. That is your opinion; is that correct?

A. It would be any intelligent person's opinion. I am not knocking your intelligence.

Q. As a matter of fact, the letters says specifically -- and if you would follow me on this.

A. You are picking out -- you are isolating statements in the letter to try to bring out a point

that doesn't exist, sir.

Q. Let me do this. And, for the record, by quoting from this letter, I do not waive my right to object to the introduction of any of these documents as exhibits to the plaintiff's proof in chief.

If you would please direct your attention to the second paragraph of the letter and see if I am reading this correctly.

A. You are taking something out of context.

Q. Follow along --

A. You want to take this out of context.

Q. I want you to look and see if I read it correctly -- and I quote: "A check of our records shows that our company did not acquire and operate its New Jersey plant where your father was employed until February 28, 1936, and accordingly, his employment or the bulk of it must have been for the prior owner or operator of that plant."

A. Who was the former owner?

Q. Sir, answer my question.

A. Who was the former owner?

MR. ROWLAND: If he read it correctly, just agree he read it correctly.

THE DEPONENT: Because National Gypsum Company is U.S. Gypsum Company; they are one in the

same.

MR. ROWLAND: Did he read the thing correctly?

THE DEPONENT: Yes, he read it correctly.

MR. ROWLAND: Okay, fine.

BY MR. LOWE:

Q. Now, you just indicated that, in your opinion, National Gypsum Company and U.S. Gypsum Company is one and the same company. Did I understand you correctly? Is that correct?

MR. ROWLAND: If you know, tell him what you know. If you don't know, don't try and guess at something.

THE DEPONENT: No, I don't know.

MR. LOWE: I would suggest to you, Mr. Miriello, that what Mr. Rowland just said as counsel for the plaintiff in this case would hold whole true for all of your testimony -- that you should not guess and just state what you know. I believe that's all.

MR. ROWLAND: I don't have any questions on this deposition.

(Whereupon, at 10:56 a.m., the deposition concluded.)

I have read the foregoing transcript of my testimony and have indicated same by my signature.

_____

BENJAMIN G. MIRIELLO

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me by the said BENJAMIN G. MIRIELLO, this _____ day of _____ 1985.

My commission expires_____

_____

Notary Public

CERTIFICATE

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I, Dawn Calderwood, a Certified Shorthand Reporter and Notary Public for the State of Colorado, do hereby certify that previous to the commencement of the examination, the said BENJAMIN G. MIRIELLO was duly sworn by me to testify the truth in relation to the matters in controversy between the said parties; that the said deposition, consisting of 23 pages, was taken in shorthand by me and was reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had; that I am not attorney nor counsel nor in any way connected with any attorney or counsel for any of the parties to said action or otherwise interested in its event.

IN WITNESS WHEREOF, I have affixed my notarial seal this _____ day of _____ 1985.

_____

DAWN CALDERWOOD
Calderwood/Mackelprang & Associates
Certified Shorthand Reporter
and Notary Public

CALDERWOOD/MACKELPRANG & ASSOCIATES

1554 Vine Street

Denver, Colorado 80206

January 25, 1985

Mr. Benjamin Miriello
2750 South Zanada Way
Aurora, Colorado 80014

Re: County of Anderson, et al. vs. U.S. Gypsum

Your depositions (discovery and videotape) in the above-entitled case have now been transcribed. The court Rules require that we file your depositions promptly. Therefore, if you would like to review and sign your deposition,s please call our office to make an appointment . . .

_____ within 30 days to comply with the statute.

__X__ by _____, so the deposition may be filed in time for trial.

If you do not call for an appointment within the time designated, we shall file your deposition unsigned.

Sincerely,

Dawn Calderwood
CALDERWOOD/MACKELPRANG & ASSOCIATES
Registered Professional Reporters

cc: M. Rowland
D. Lowe
Court, File

218 Grand Ave.
Jersey City 2 New Jersey
8 June 1950

United States Gypsum Company
Foot of Henderson Street
Jersey City 2, New Jersey.

Dear Sirs:

I want to congratulate you and your wonderful product, Asbestos & Asbestos Shingels. An advancement in civilization. true - We have had it around for years but we just stopped to realize, what a wonderful product it is. I like the advancement of civilization - at times I don't think we have progressed enough. Then when I think of how such advancement as yours has hindered us - I'd like to return to the Caveman Era - where health was preserved and may lived beyond the 60 yr mark.

Dad worked in your plant some fifteen years ago. As I remember he had a choice of two jobs at the time - one in a Cigar factory on Montgomery Street or a job in your plant. He chose your plant (in spite of the fact that it was a less pay) because it was so very close to home. I regret the day he set foot in your plant. Dad was a Cabinet maker by trade but due to the lack of work in his trade he took any job to keep bread.

on the table for us - his children.

He was laid-off due to a slack period in your plant - some years ago. He never returned to your plant - for he had gained employment elsewhere - but the damage was done - he spent a few miserable years in your pot shop.

About two years ago we noticed my dad's health was not up to par. He became short of breath - but he brought one never to complain - kept it unto himself for a long time. Soon it became noticeable and unbearable for him. We took him to a doctor - then a chest specialist who informed us he had ASBESTOSIS. Unable to get around he quit the job. Soon he became bedridden. His breathing becoming more and more difficult - Soon an oxygen tank was ordered by his doctor to be used when necessary. Then shortly he was using it constantly. (Did you ever see someone gasping for air - and not being able to help him - it's not a pretty thing to see.) After suffering a good deal - Dad passed away on March 19, 1949.

The loss of dad was an ordeal for us but more of an ordeal for Mother. She fell sick after his death and now she may leave us sooner than we know it.

I feel that your firm is wholely responsible for my dad's death and mother's illness. Had he not worked in your plant he would be with

us today and would have fifteen years of healthy, happy life before him to enjoy. He was a picture of health - having no ailments of any kind. He never was sick a day in his life - that is until the effects of this Asbestosous hit him. It ate his lungs away. He was like a drowning man - I knew he was drowning but there was nothing I could do but pray for him

Our home will never be the same and we have you to blame for that. the purpose of this letter is to tell you of your negligence in preventing this from happening to us and I hope to prevent it from happening to other families - and it will less you check your plant for Safety's measures

you see my Dad worked for your firm back in 1935 and suffered a lung condition after leaving your employ. His Doctors - the best we could find - Dr. Matturi and Dr. Blum can bear me out that his Asbestosous condition was the cause of his death.

So for the sake of God and Humanity - please check your plant for such unhealty conditions and do all in your power to save others from offering as my Dad did. Remember the little effort on your part will save liver and money. Precaution is better than a cure - there was none for dad.

Thank you for taking time out to read this

I remain -

yours truly,

Mr. Ben G. Miriello

UNITED STATES GYPSUM COMPANY
300 WEST ADAMS STREET USG CHICAGO 6, ILLINOIS

December 27, 1950

Mr. Ben G. Miriello
218 Grand Street
Jersey City 2, New Jersey

Dear Mr. Miriello:

We acknowledge your letter dated December 13, 1950. Also, the writer has reviewed your earlier letter written June 8, 1950. By inadvertence your June 8th letter was not acknowledged. It did, however, receive our attention last summer and an investigation was made at that time due entirely to your letter.

In your letter of June 8, 1950, you stated that your father worked in our plant "some fifteen years ago". A check of our records shows that our company did not acquire and operate its New Jersey plant where your father was employed until February 28, 1936, and accordingly, his employment or the bulk of it must have been for the prior owner or operator of that plant. Insofar as the writer knows there have been no occupational disease claims made for or on account of asbestosis against our company at that plant. In fact, since June, 1939, no asbestos has been used in the manufacture at that plant.

We feel that much has been accomplished over the period of the past few years in the field of industrial hygiene and we are rather proud of the record and program of our particular company. We believe that we have a modern plant in New Jersey and that everything which reasonably can be done is being done towards the health and safety of the people in connection with that plant. At least, such is our policy. In view of the statements contained in your letter, we would welcome an opportunity to show you around the plant to the end that you may see for yourself what we believe we have accomplished during the

period of our ownership and operation of the plant. Mr. E. O. Gerkin is the works manager at the New Jersey plant. We suggest, if agreeable to you, that you telephone and make arrangements with him for a visit through the plant at a time which meets with your mutual convenience.

Yours very truly,

UNITED STATES GYPSUM COMPANY

By

Operations Manager

No 19879

OFFICE OF REGISTRAR OF VITAL STATISTICS OF HUDSON COUNTY

JERSEY CITY NEW JERSEY

This is to Certify that the following is correctly copied from a record of Death in my office.

NAME OF DECEASED	PLACE OF DEATH	DATE OF DEATH
Raffaele (Ralph) Miriello	Jersey City, NJ	March 19, 1949

SOCIAL SECURITY NUMBER	SEX	COLOR	MARITAL CONDITION	DATE OF BIRTH	AGE YRS.	AGE MOS.	AGE DAYS
--	M	W	Married	March 22, 1888	60		

PLACE OF BIRTH	CAUSE OF DEATH
Italy	Asbestosis, bilateral, marked Coronary Pulmonale.

SUPPLEMENTAL INFORMATION IF DEATH WAS DUE TO EXTERNAL CAUSES

ACCIDENT, SUICIDE OR HOMICIDE — DATE OF OCCURRENCE

SPECIFY

CITY, TOWN OR LOCATION — COUNTY — STATE

DID INJURY OCCUR IN OR ABOUT HOME, IN INDUSTRIAL PLACE, IN PUBLIC PLACE?

SPECIFY TYPE OF PLACE

WHILE AT WORK? — MEANS OF INJURY

NAME OF PERSON WHO CERTIFIED CAUSE OF DEATH	ADDRESS
Dr. Blum, MD.	Jersey City, NJ

Maurice Summer

MAURICE SUMMER

REGISTRAR OF VITAL STATISTICS

November 29, 1982, 19 82

DATE OF ISSUE

Patricia Gillis

CERTIFYING CLERK'S SIGNATURE

(must be affixed)

PLAINTIFF'S EXHIBIT 1661(a)

on the table for us - his children.

He was laid off due to a slack period in your plant - some years ago. He never returned to your plant - for he had gained employment elsewhere - but the damage was done - he spent a few miserable years in your rat trap.

About two years ago we noticed my dad's health was not up to par. He became short of breath - but he being one never to complain - kept it unto himself for a long time. Soon it became noticeable and unbearable for him. We took him to a doctor - then a chest specialist who informed us he had ASBESTOSIS. Unable to get around he quit his job. Soon he became bedridden. His breathing becoming more and more difficult. Soon an oxygen tank was ordered by his doctor to be used when necessary. Then shortly he was using it constantly. (Did you ever see someone gasping for air - and not being able to help him - it's not a pretty thing to see.) After suffering a good deal - Dad passed away on March 19, 1969.

The loss of dad was an ordeal for us but more of an ordeal for mother. She fell sick after his death and now she may learn no sooner than we know it.

I feel that your firm is wholely responsible for my dad's death and mother's illness. Had he not worked in your plant he would be with

PLAINTIFF'S EXHIBIT 1661(3)

us today and would have fifteen years of healthy, happy life before him to enjoy. He was a picture of health - having no ailments of any kind. He never was sick a day in his life - that is until the effects of this Asbestosous hit him. It ate his lungs away. He was like a drowning man - I knew he was drowning but there was nothing I could do but pray for him

Our home will never be the same and we have you to blame for that. the purpose of this letter is to tell you of your negligence in preventing this from happening to us and I hope to prevent it from happening to other families - and it will less you check your plant for Safety's measures.

You see my Dad worked for your firm back in 1935 and suffered a lung condition after leaving your employ. His Doctors - the best we could find - Dr. Matturi and Dr. Blum - can bear me out that his Asbestosous condition was the cause of his death.

So for the Sake of God and Humanity - please check your plant for such unhealty conditions and do all in your power to save others from offering as my Dad did. Remember the little effort on your part will save lives and money. Precaution is better than a cure - there was none for dad.

Thank you for taking time out to read this

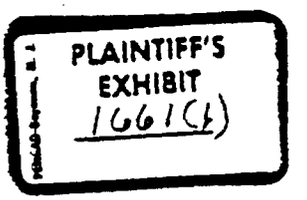
I remain -

yours truly,

Mr. Ben G. Miriello

218 Grand Ste
Jersey City 2 N.J.
8 June 1950

United States Gypsum Company
Foot of Henderson Street
Jersey City 2, New Jersey.



Dear Sirs:

I want to congratulate you and your wonderful product, Asbestos & Asbestos Shingels. An advancement for civilization. True - We have had it around for years but we just stopped to realize, what a wonderful product it is. I like the advancement of civilization - at times I don't think we have progressed enough. Then when I think of how such advancement as yours has hindered us - I'd like to return to the Caveman Era - where health was preserved and man lived beyond the 60 yr mark.

Dad worked in your plant some fifteen years ago., As I remember he had a Choice of two jobs at the time - one in a Cigar factory on Montgomery Street or a job in your plant. He chose your plant (in spite of the fact that it was less pay) because it was so very close to home. REGRET the day he set foot in your plant. Dad was a Cabinet maker by trade, but due to the lack of work in his trade he took any job to keep bread.

No 19879

OFFICE OF REGISTRAR OF VITAL STATISTICS OF HUDSON COUNTY
JERSEY CITY NEW JERSEY

This is to Certify that the following is correctly copied from a record of Death in my office.

NAME OF DECEASED	PLACE OF DEATH	DATE OF DEATH
Raffaele (Ralph) Miriello	Jersey City, NJ	March 19, 1949

SOCIAL SECURITY NUMBER	SEX	COLOR	MARITAL CONDITION	DATE OF BIRTH	AGE YRS.	AGE MOS.	AGE DAYS
--	M	W	Married	March 22, 1888	60		

PLACE OF BIRTH	CAUSE OF DEATH
Italy	Asbestosis, bilateral, marked Coronary Pulmonale.

SUPPLEMENTAL INFORMATION IF DEATH WAS DUE TO EXTERNAL CAUSES

ACCIDENT, SUICIDE OR HOMICIDE — DATE OF OCCURRENCE

SPECIFY
CITY, TOWN OR LOCATION — COUNTY — STATE

DID INJURY OCCUR IN OR ABOUT HOME, IN INDUSTRIAL PLACE, IN PUBLIC PLACE?

SPECIFY TYPE OF PLACE

WHILE AT WORK? — MEANS OF INJURY

NAME OF PERSON WHO CERTIFIED CAUSE OF DEATH	ADDRESS
Dr. Blum, M.D.	Jersey City, NJ

Maurice Summer

MAURICE SUMMER
REGISTRAR OF VITAL STATISTICS

November 29, 1982, 19 82
DATE OF ISSUE

Patricia Gillen
CERTIFYING CLERK'S SIGNATURE
(must be affixed)

PLAINTIFF'S EXHIBIT 616 (FF)

218 Grand Street
Jersey City 2, New Jersey
8 June 1950

United States Gypsum Company
Foot of Henderson Street
Jersey City 2, New Jersey

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