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To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.

AS

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SIGNATURE	
<i>Trula Ridgeman</i>	
NAME	DATE
<i>for</i> KENT C. CARTER	9-22-98
TITLE	
Regional Director	
NAME AND ADDRESS OF DEPOSITORY	
Office of Regional Records Services Southwest Region 601 W. Felix St., Bldg. 1 Fort Worth, TX 76115	

GPO:197-782/03529

NA FORM 13040 (10-86)

its undersigned attorney of record, and makes the following answers to interrogatories heretofore served upon said defendant under Rule 33 of the Federal Rules of Civil Procedure:

INTERROGATORY NO. 1:

Fibreboard Paper Products Corporation, one of the defendants in this case, has stated that it has devised a high temperature heat insulation which does not contain asbestos. Has your company devised a high temperature heat insulation which does not contain asbestos?

ANSWER TO INTERROGATORY NO. 1:

Combustion Engineering, Inc., manufactures an insulating cement that does not contain asbestos for use in the 1500-1600 degree fahrenheit range. It also makes a block which, commencing on November 30, 1971, does not contain asbestos, for use in the 1500-1600 degree fahrenheit range.

INTERROGATORY NO. 2:

If your company has not devised a high temperature heat insulation which does not contain asbestos, please state whether or not you know if any other company has done so, and if so, state the full name of such company.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DEC 30 1971

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

CIVIL ACTION NO. 6329

JAMES R. COONEY, CLERK
BY DEPUTY *Angela R. Jones*

ANSWERS OF DEFENDANT, COMBUSTION
ENGINEERING, INC., TO PLAINTIFF'S
INTERROGATORIES

TO:

PLAINTIFF, SAMUEL R. POTTER, AND HIS ATTORNEYS,
WARD STEPHENSON, STEPHENSON & THOMPSON, STEPHENSON
BUILDING, ORANGE, TEXAS:

Comes now Combustion Engineering, Inc., one of the
defendants in the above-entitled and numbered cause, through
its undersigned attorney of record, and makes the following
answers to interrogatories heretofore served upon said defendant
under Rule 33 of the Federal Rules of Civil Procedure:

INTERROGATORY NO. 1:

Fibreboard Paper Products Corporation, one of the
defendants in this case, has stated that it has devised a
high temperature heat insulation which does not contain asbestos.
Has your company devised a high temperature heat insulation
which does not contain asbestos?

ANSWER TO INTERROGATORY NO. 1:

Combustion Engineering, Inc., manufactures an
insulating cement that does not contain asbestos for use
in the 1500-1600 degree fahrenheit range. It also makes a
block which, commencing on November 30, 1971, does not con-
tain asbestos, for use in the 1500-1600 degree fahrenheit range.

INTERROGATORY NO. 2:

If your company has not devised a high temperature
heat insulation which does not contain asbestos, please state
whether or not you know if any other company has done so, and
if so, state the full name of such company.

ANSWER TO INTERROGATORY NO. 2:

Not applicable.

INTERROGATORY NO. 3:

If you have devised a high temperature heat insulation which does not contain asbestos, please state the name of such product.

ANSWER TO INTERROGATORY NO. 3:

The name of the insulating cement is "Castabloc", and the name of the block is "Griptex Block".

INTERROGATORY NO. 4:

If you have devised a high temperature heat insulation which does not contain asbestos, please state how long you have been manufacturing this insulation.

ANSWER TO INTERROGATORY NO. 4:

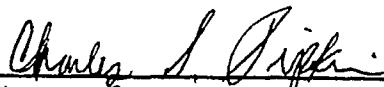
The Griptex Block has been manufactured without asbestos since November 30, 1971. Castabloc has been manufactured for sale since early 1966.

INTERROGATORY NO. 5:

If you have devised a high temperature heat insulation which does not contain asbestos, please state the exact content of such insulation.

ANSWER TO INTERROGATORY NO. 5:

<u>Griptex Block</u>	Spun wool	73.53%
	Granulor bentonite	13.24%
	Dexecor	11.03%
	Asbestos	2.20% (Since November 30, 1971 Griptex Block does not contain asbestos).
<u>Castabloc</u>	Granulated wool	33.5%
	Raw earth	10.2%
Vermiculite		17.9%
	Portland cement	38.4%


Attorney for Defendant,
COMBUSTION ENGINEERING, INC.,
1014 San Jacinto Bldg., P.O. Box 1632,
Beaumont, Texas.

THE STATE OF TEXAS

§

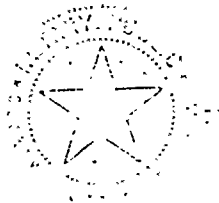
COUNTY OF JEFFERSON

§

Charles S. Pipkin, having been first duly sworn, on oath deposes and says that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above cause, and as such is duly authorized to make the foregoing answers and this affidavit, and that he does so acting under such authority and authorization; that he has read over the foregoing answers and the same are true and correct.

Charles S. Pipkin

SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 30 day of December, 1971, to certify which witness my hand and seal of office.



Lillian S. Butcher
NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing answers to interrogatories was on this date served upon the plaintiff and his attorneys of record by mailing the same in a correctly addressed, stamped and sealed envelope to his attorney of record, Ward Stephenson, Stephenson & Thompson, Stephenson Building, Orange, Texas; and also, true copies have been served upon all other defendants in this action by mailing the same to their respective attorneys of record at their respective postoffice addresses, this 30th day of December, 1971.

Charles S. Pipkin
ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
June 24 1969
James R. Cooney, Clerk, U.S.D.C.
By M. J. Bart DEPUTY

SAMUEL R. POTTER :
VS. : CIVIL NO. 6329
FIBREBOARD PAPER PRODUCTS :
CORPORATION ET AL :

ORDER OF THE COURT DISMISSING
R. & I. REFRACTORY AND INSULATION
CORPORATION AS PARTY DEFENDANT

On this the 24th day of June, 1969, came
on to be considered the plaintiff's motion to dismiss as
party defendant R. & I. Refractory and Insulation
Corporation, and the Court after having considered said
motion is of the opinion that the same should be granted:

It is therefore ORDERED, ADJUDGED AND DECREED by
the Court that R. & I. Refractory and Insulation Corporation
be and it is hereby dismissed without prejudice as party
defendant in this action.

SIGNED AND ENTERED this 24th day of June,
1969.

Wm. Wayne Justice
JUDGE PRESIDING

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION.

SAMUEL R. POTTER, PLAINTIFF,

VS.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL, DEFENDANTS.

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CIVIL ACTION NO. 6329

FILED
M. June 27 1969
James R. Gooney, Clerk
By *[Signature]*
Deputy

REQUEST FOR JURY TRIAL.

Now comes the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and makes and files this, its Request for Jury Trial, and hereby requests a trial by jury on all issues involved in this cause.

This 26th day of June, 1969.

[Signature]

ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC;
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

True and correct copy of the foregoing request has been mailed this date to Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, plaintiff's attorneys of record; and likewise copies have been mailed to all interested counsel of record for the respective defendants.

This 26th day of June, 1969.

[Signature]

ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER

§

VS.

§

CIVIL ACTION NO. 6329

FIBREBOARD PAPER PRODUCTS

§

CORP., ET AL.

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ANSWERS OF DEFENDANT, COMBUSTION ENGINEERING, INC.,
TO SECOND SET OF INTERROGATORIES UNDER RULE 33,
FEDERAL RULES OF CIVIL PROCEDURE.

Now comes the defendant, Combustion Engineering, Inc.,
in the above-entitled and numbered cause, and files herewith
its Answers and Objections to the second set of interrogatories
heretofore served upon it by the plaintiff under Rule 33,
Federal Rules of Civil Procedure, as follows:

1.

This interrogatory No. 1 is not applicable to Defendant,
Combustion Engineering, Inc., as this defendant did not so
indicate in its answer to Interrogatory No. 3 of the first
set of interrogatories.

2.

This interrogatory No. 2 is not applicable to defendant,
Combustion Engineering, Inc., as this defendant did not so
indicate in its answer to Interrogatory No. 8 of the first
set of interrogatories.

3.

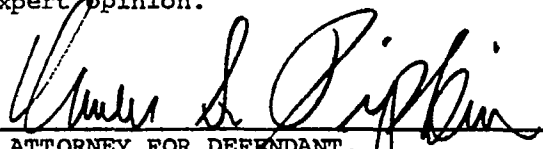
This interrogatory No. 3 is not applicable to defendant,
Combustion Engineering, Inc., as this defendant did not so
indicate in its answer to Interrogatory No. 10 of the first
set of interrogatories.

4.

See answer to Interrogatory No. 18 of the first set of interrogatories. In addition, this defendant says that the reason it had not used such warning prior thereto was that this defendant's experience had not indicated the necessity therefor.

5.

Defendant, Combustion Engineering, Inc., objects to Interrogatory No. 5 on the ground that the plaintiff is inquiring into medical facts which will necessarily have to be developed through expert testimony at the time of the trial, and said interrogatory is argumentative and improper; and said question is too general and is not limited to the products manufactured by this defendant but deals with "asbestos" as a general term, and the types of products containing asbestos which are manufactured by this defendant contain difference percentages and different types of asbestos than those manufactured by the other defendants, and this defendant should not be called upon to answer a question which calls for a medical conclusion and may also be one of the ultimate issues to be tried in this case because there is a wide difference of medical and expert opinion.



ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC;
1012 San Jacinto Bldg., P.O. Box 1632,
Beaumont, Texas.

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

CHARLES S. PIPKIN, being first duly sworn, on oath deposes and says that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and as such is duly authorized to make, file and present the foregoing answers to interrogatories and this affidavit, and that he does so, acting under such authority and authorization; that he has read over the foregoing answers and the same are true and correct.

Charles S. Pipkin

SUBSCRIBED AND SWORN TO before me, this 10th day of March, 1970, to certify which witness my hand and seal of office.

Lillian S. Butcher

NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS.



CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 1970,
a true and correct copy of the foregoing instrument was mailed to
the following named attorneys of record:

Mr. Ward Stephenson, Attorney,
Stephenson and Thompson,
Stephenson Building,
Orange, Texas. 77630
ATTORNEY FOR PLAINTIFF, S.R. Potter

Mr. W.N. Arnold, Jr., Attorney,
Fulbright, Crooker, Freeman, Bates
& Jaworski,
Bank of the Southwest Bldg.,
Houston, Texas 77002
ATTORNEY FOR DEFENDANT, ARMSTRONG
CONTRACTING AND SUPPLY CORP.,
AND PHILIP CAREY CORPORATION

Mr. Robert E. Barnes, Attorney,
P.O. Box 5098,
Beaumont, Texas 77706
Attorney for Defendant,
RUBEROID COMPANY, A DIVISION
OF GAF CORPORATION

Mr. Dale Dowell, Attorney,
707 Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
OWENS-CORNING FIBERGLAS CORP.

Mr. George A. Weller, Attorney,
P.O. Box 350,
Beaumont, Texas 77704
Attorney for Defendant
FIBREBOARD PAPER PRODUCTS
CORPORATION

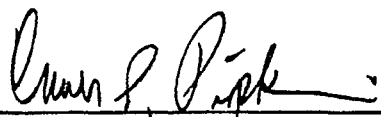
Mr. Gerald P. Coley, Attorney,
Vinson, Elkins, Searls & Connally,
First City National Bank Bldg.,
Houston, Texas 77002
Attorney for Defendant
UNARCO INDUSTRIES, INC.

Mr. James W. Mehaffy, Attorney,
San Jacinto Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
STANDARD ASBESTOS MANUFACTURING
AND INSULATING COMPANY

Mr. Ben L. Reynolds, Attorney,
Royston, Rayzor and Cook,
877 San Jacinto Bldg.,
Houston, Texas 77002
Attorney for Defendant,
EAGLE-PICHER INDUSTRIES, INC.

Mr. Gordon R. Pate, Attorney,
1119 Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
JOHNS-MANVILLE PRODUCTS CORP.

Mr. George E. Murphy, Attorney,
615 San Jacinto Bldg.,
Beaumont, Texas
Attorney for Intervenor,
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
CHARTER OAK FIRE INSURANCE CO.


ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

S. R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS

CORPORATION ET AL

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Margaret L...
CIVIL ACTION NO: 6329

ANSWERS OF COMBUSTION ENGINEERING, INC., TO PORTION
OF INTERROGATORIES CONTAINED IN FIRST SET OF INTER-
ROGATORIES.

Now comes Combustion Engineering, Inc., one of the defendants in the above-entitled and numbered cause, and answering the portion of the Interrogatories contained in the first set of Interrogatories heretofore served on said defendant under Rule 33, Federal Rules of Civil Procedure, which have not been heretofore answered, replies to the same as follows:

1.

In answer to Interrogatory No. 2 of the first set of Interrogatories, defendant states that the following warning has been placed on this defendant's products containing asbestos, such warning being given to all who use such products:

"CAUTION: This product contains asbestos fibers. Excessive inhalation of asbestos may be harmful. If adequate ventilation is not possible, wear respirators approved by the U. S. Bureau of Mines."

2.

In reply to Interrogatory No. 7 of the first set of Interrogatories, this defendant answers the same no.

3.

In reply to Interrogatory No. 11 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

4.

In reply to Interrogatory No. 12 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

5.

In reply to Interrogatory No. 13 of the first set of Interrogatories, this defendant has no information or knowledge of the matters referred to or inquired about in said interrogatory.

6.

In reply to Interrogatory No. 17 of the first set of Interrogatories, this defendant has no information or knowledge of the matter referred to or inquired about in said interrogatory.

7.

In reply to Interrogatory No. 19 of the first set of Interrogatories, this defendant has no information or knowledge of the matter referred to or inquired about in said interrogatory.

8.

In reply to Interrogatory No. 26, of the first set of Interrogatories, this defendant answers the same no.

9.

Answering Interrogatory No. 37 of the first set of interrogatories, the defendant answers same no.

10.

This defendant answers Interrogatory No. 41 of the first set of interrogatories as follows:

Due to the fact that prior to 1967 Combustion Engineering, Inc.'s subsidiary, R and I, Refractory and Insulation Corporation, later merged with Combustion Engineering, Inc., the net profit for both companies is indicated below:

	<u>Combustion Engineering, Inc.</u>	<u>R and I Refractory</u>
1960	\$6,160,000	\$168,553
1961	\$6,435,000	\$ 66,445
1962	\$6,853,000	\$ 82,397
1963	\$7,600,000	\$339,716
1964	\$8,784,000	\$363,825
1965	\$13,100,000	\$344,120
1966	\$18,299,000	\$345,000
1967	\$21,110,000	R & I for 1967, \$472,000 . for Ramtite Company, merge with R & I in 1967, \$624,60
1968	22,105,775	

42.

Answering Interrogatory No. 42 of the first set of Interrogatories, this defendant replies to same as follows:

For the reason set forth under answer to No. 41 above, the figures called for are broken down as between Combustion Engineering, Inc., and its former subsidiary, R and I Refractory and Insulation Corporation:

	<u>Combustion Engineering, Inc.</u>	<u>R & I Refractory</u>
1960	\$94,060,000	\$1,458,018
1961	\$96,556,000	(Not available)
1962	\$98,714,000	\$1,474,419
1963	\$99,375,000	\$2,063,866
1964	\$101,889,000	\$2,650,812
1965	\$115,116,000	\$3,533,932
1966	\$132,819,000	\$3,093,000
1967	\$149,698,000	R&I \$3,375,000, Ramtite Company, merged with R & I in 1967, \$3,011,754
1968	\$212,933,147	

12.

Answering interrogatory No. 43 of the first set of Interrogatories, this defendant replies to same as follows:

For the reason set forth under answer to No. 41 above, the figures called for are broken down as between Combustion Engineering, Inc., and its former subsidiary, R and I Refractory and Insulation Corporation, and for the period from 1960 to and including 1967, the figures, insofar as Combustion Engineering, Inc., is concerned, do not include sales of asbestos-containing products, since Combustion Engineering, Inc., has only engaged in such business in its own name since December 31, 1967, but such figures represent sales of other items manufactured by Combustion Engineering, and only the figure shown for 1968 includes sales of asbestos-containing products. The figures as to R and I Refractory and Insulation Corporation do include sales of asbestos-containing products:

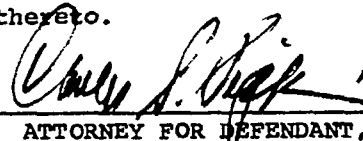
<u>Combustion Engineering, Inc.</u>	<u>R & I Refractory</u>
1960 \$269,502,000	\$3,644.894
1961 \$297,137,000	\$3,303,218
1962 \$263,219,000	\$3,900,392
1963 \$301,185,000	\$5,068,720
1964 \$317,371,000	\$7,813,232
1965 \$416,903,000	\$8,807,332
1966 \$577,867,000	\$9,377,000
1967 \$688,589,000	\$9,891,000 for R & I and \$9,671,705, Ramtite Company merged with R & I 1967
1968 \$664,891,067	

13.

Answering interrogatory No. 46 of the first set of Interrogatories, this defendant has no knowledge in regard to Dr. Irving J. Selikoff as an authority in the field of asbestosis or otherwise.

14.

Answering interrogatories Nos. 47 through 84, incl, of the first set of Interrogatories, this defendant says that it agrees that the states mentioned have workmen's compensation laws which pertain to occupational disease but whether or not such laws specifically cover asbestosis, and the dates of the beginnings of such laws, this defendant does not have sufficient knowledge or information upon which to predicate a sworn statement in regard thereto.

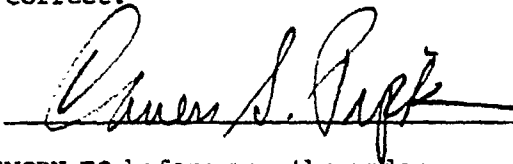


ATTORNEY FOR DEFENDANT,
Combustion Engineering, Inc.,
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

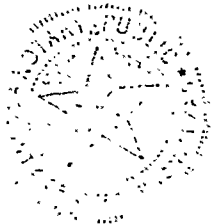
THE STATE OF TEXAS

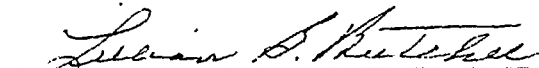
COUNTY OF JEFFERSON

CHARLES S. PIPKIN, being duly sworn, on oath deposes and says that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above cause and as such is duly authorized to make, file and serve the foregoing answers to Interrogatories and this affidavit, and that he does so acting on such authority and authorization; that he has read over the foregoing answers and the same are true and correct.



SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 20 day of February, 1970, to certify which witness my hand and seal of office.





NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS.

CERTIFICATE OF SERVICE

I hereby certify that on this 20 day of February, 1970,
a true and correct copy of the foregoing instrument was mailed to
the following named attorneys of record:

Mr. Ward Stephenson, Attorney,
Stephenson and Thompson,
Stephenson Building,
Orange, Texas. 77630
ATTORNEY FOR PLAINTIFF, S.R. Potter

Mr. W.N. Arnold, Jr., Attorney,
Fulbright, Crooker, Freeman, Bates
& Jaworski,
Bank of the Southwest Bldg.,
Houston, Texas 77002
ATTORNEY FOR DEFENDANT, ARMSTRONG
CONTRACTING AND SUPPLY CORP.,
AND PHILIP CAREY CORPORATION

Mr. Robert E. Barnes, Attorney,
P.O. Box 5098,
Beaumont, Texas 77706
Attorney for Defendant,
RUBEROID COMPANY, A DIVISION
OF CAF CORPORATION

Mr. Dale Dowell, Attorney,
707 Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
OWENS-CORNING FIBERGLAS CORP.

Mr. George A. Weller, Attorney,
P.O. Box 350,
Beaumont, Texas 77704
Attorney for Defendant
FIBREBOARD PAPER PRODUCTS
CORPORATION

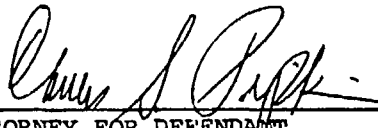
Mr. Gerald P. Coley, Attorney,
Vinson, Elkins, Searls & Connally,
First City National Bank Bldg.,
Houston, Texas 77002
Attorney for Defendant
UNARCO INDUSTRIES, INC.

Mr. James W. Mehaffy, Attorney,
San Jacinto Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
STANDARD ASBESTOS MANUFACTURING
AND INSULATING COMPANY

Mr. Ben L. Reynolds, Attorney,
Royston, Rayzor and Cook,
877 San Jacinto Bldg.,
Houston, Texas 77002
Attorney for Defendant,
EAGLE-PICHER INDUSTRIES, INC.

Mr. Gordon R. Pate, Attorney,
1119 Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
JOHNS-MANVILLE PRODUCTS CORP.

Mr. George E. Murphy, Attorney,
615 San Jacinto Bldg.,
Beaumont, Texas
Attorney for Intervenor,
NATIONAL SURETY CORPORATION and
CHARTER OAK FIRE INSURANCE CO.


ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JAN 22 1970

JAMES R. COONEY, CLERK
DEPUTY

Myra Barton

SAMUEL R. POTTER :
VS. : CIVIL ACTION NO. 6329
FIBREBOARD PAPER PRODUCTS :
CORPORATION ET AL :

SECOND SET OF INTERROGATORIES PROPOUNDED TO
DEFENDANTS

TO: PITTSBURGH CORNING CORPORATION
ARMSTRONG CONTRACTING AND SUPPLY CORPORATION
PHILIP CAREY CORPORATION
RUBEROID COMPANY, A DIVISION OF GAF CORPORATION
COMBUSTION ENGINEERING, INC.
OWENS-CORNING FIBERGLAS CORPORATION
FIBREBOARD PAPER PRODUCTS CORPORATION
UNARCO INDUSTRIES, INC.
STANDARD ASBESTOS MANUFACTURING AND INSULATING COMPANY
EAGLE-PICHER INDUSTRIES, INC.
JOHNS-MANVILLE PRODUCTS CORPORATION,

Defendants:

SAMUEL R. POTTER, plaintiff, hereby serves upon the
above named defendants the following written interrogatories
to be answered fully and fairly in writing under oath, which
shall be signed by the person or persons making such answers,
a copy of such answers to be served upon plaintiff's attorney
within fifteen (15) days after service herein, in accordance
with Rule 33 of the Federal Rules of Civil Procedure:

1.

In connection with Interrogatory #3 of the first set
of interrogatories propounded to you, you have indicated that
your company is familiar with the studies made by various other
agencies, including the United States Government. Please state
the names of the persons or agencies making such studies, the
date and identification of such studies or reports, with sufficient
detail to enable the plaintiff to obtain copies of any such
studies to which you refer. Also, state what action, if any,
your company took in response thereto.

2.

In connection with Interrogatory #8 of the first set
of interrogatories propounded to you, you have indicated that

your company is familiar with studies made by various other agencies, including the United States Government. Please state the names of the persons or agencies making such studies, the date and identification of such studies or reports, with sufficient detail to enable the plaintiff to obtain copies of any such studies to which you refer. Also, what action, if any, did your company take based upon these studies to prevent anyone using your products from contracting the disease of asbestosis?

3.

In answer to Interrogatory #10 of the first set of interrogatories propounded to you, you have indicated that dust counts have been made by independent organizations, as well as by various contractors, and by various governmental agencies. Please state the names of the persons or agencies making such studies, the date and identification of such studies or reports, with sufficient detail to enable the plaintiff to obtain copies of any such reports to which you refer. Also, what action, if any, did your company take based upon these studies?

4.

In connection with Interrogatory #18 of the first set of interrogatories propounded to you, you have indicated that your company started placing warnings on containers containing asbestos materials. Please state what knowledge or information caused you to start using the warning on the date that you started using such warning, and why did you not use such warnings long prior thereto?

5.

Does your company recognize that asbestos causes asbestosis? If your answer is "Yes," when did you come to such realization, and what action did you take in response thereto? If your answer is "No," then please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of their dangerous nature.

STEPHENSON AND THOMPSON

By


Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

CERTIFICATE OF SERVICE BY MAIL

I, Ward Stephenson, hereby certify that a true and correct copy of the foregoing instrument was, on this the 21st day of January, 1970, mailed by certified mail, return receipt requested, to the following named attorneys:

Mr. George E. Duncan
Attorney at Law
P. O. Box 3708
Beaumont, Texas 77704
Attorney for Defendant
PITTSBURGH CORNING CORPORATION

Mr. W. N. Arnold, Jr.
Attorney at Law
Fulbright, Crooker, Freeman,
Bates & Jaworski
Bank of the Southwest Bldg.
Houston, Texas 77002
Attorney for Defendant
ARMSTRONG CONTRACTING AND
SUPPLY CORPORATION

Mr. W. N. Arnold, Jr.
Attorney at Law
Fulbright, Crooker, Freeman,
Bates & Jaworski
Bank of the Southwest Bldg.
Houston, Texas 77002
Attorney for Defendant
PHILIP CAREY CORPORATION

Mr. Robert E. Barnes
Attorney at Law
P. O. Box 5098
Beaumont, Texas 77706
Attorney for Defendant
RUBEROID COMPANY, A DIVISION
OF GAF CORPORATION

Mr. Charles S. Pipkin
Attorney at Law
P. O. Box 1632
Beaumont, Texas 77704
Attorney for Defendant
COMBUSTION ENGINEERING, INC.

Mr. Dale Dowell
Attorney at Law
707 Beaumont Savings Bldg.
Beaumont, Texas 77701
Attorney for Defendant
OWENS-CORNING FIBERGLAS
CORPORATION

Mr. George A. Weller
Attorney at Law
P. O. Box 350
Beaumont, Texas 77704
Attorney for Defendant
FIBREBOARD PAPER PRODUCTS
CORPORATION

Mr. Gerald P. Coley
Attorney at Law
Vinson, Elkins, Searls & Connally
First City National Bank Bldg.
Houston, Texas 77002
Attorney for Defendant
UNARCO INDUSTRIES, INC.

Mr. James W. Mehaffy
Attorney at Law
San Jacinto Building
Beaumont, Texas 77701
Attorney for Defendant
STANDARD ASBESTOS MANUFACTURING
AND INSULATING COMPANY

Mr. Ben L. Reynolds
Attorney at Law
Royston, Rayzor and Cook
877 San Jacinto Building
Houston, Texas 77002
Attorney for Defendant
EAGLE-PICHER INDUSTRIES, INC.

Mr. Gordon R. Pate
Attorney at Law
1119 Beaumont Savings Bldg.
Beaumont, Texas 77701
Attorney for Defendant
JOHNS-MANVILLE PRODUCTS
CORPORATION

Mr. George E. Murphy
Attorney at Law
615 San Jacinto Building
Beaumont, Texas
Attorney for Intervenor
NATIONAL SURETY CORPORATION

ORIGINAL SIGNED BY
WARD STEPHENSON

Ward Stephenson

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

DEC 23 1969

U. S. Court

S. R. POTTER

§

By *Margaret L. Linn*
DEPUTY

VS.

§

CIVIL ACTION NO. 6329

FIBREBOARD PAPER PRODUCTS

§

CORPORATION ET AL

§

ANSWERS OF DEFENDANT, COMBUSTION ENGINEERING,
INC., TO PLAINTIFF'S INTERROGATORIES UNDER
RULE 33, FEDERAL RULES OF CIVIL PROCEDURE.

Now comes the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and makes and files the following answers to Interrogatories heretofore served upon said defendant under Rule 33, Federal Rules of Civil Procedure, as follows:

1.

Defendant, Combustion Engineering, Inc., did not manufacture any type of insulating materials prior to December 31, 1967.

However, R & I Refractory and Insulation Corporation, which was acquired by Combustion Engineering, Inc., by purchase in June, 1963, but which was operating as a separate entity until December 31, 1967, at which time it was merged with Combustion Engineering, Inc., began, on or about April 2, 1964, to manufacture the following insulating materials:

(1) Griptex, a mineral fiber block insulation, consisting of mineral wool, packaged in cardboard cartons of about 3 cubic feet capacity.

- (2) Detrick Blanket insulation, being spun mineral fibers felted in large flat sheets and encased between metal fabrics, consisting of mineral wool and wire facings, packaged in cardboard cartons of about 12 cubic feet capacity.
- (3) Detroc Asbestos Board, being asbestos board insulating material, comprised of asbestos Portland cement, packaged in crates of 10 sheets per crate.
- (4) Detrick Easy Seal Cement, insulating cement comprised of asbestos and clay, packaged in 40 pound bags.
- (5) Detrick Bonding Cement, insulating cement, comprised of mineral wool, asbestos and clay, packaged in 50 pound bags.
- (6) Detrick Thinsuliner cement, insulating cement, comprised of clay, asbestos and Portland cement, packaged in 50 pound bags.
- (7) Detrick Pyroscat, light-weight fire-proofing protective treatment for structural steel, being a preblended mixture of high temperature aggregates, asbestos fibers, hydraulic binder and other materials.
- (8) Detrick casing cement, comprised of asbestos and Portland cement, packaged in 50 pound bags.
- (9) Detrick T-60 Insulating Finish, insulating finish cement, comprised of mineral wool, asbestos and Portland cement and clay, packaged in 50-pound bags.
- (10) Detrick MHD Finishing Cement, finishing cement, consisting of asbestos and Portland cement, packaged in 50 pound bags.

(11) Detrick No. 7 Asbestos Cement, straight asbestos fiber cement, comprised of asbestos, packaged in 100-pound bags.

(12) Detrick Asbestos Ropes, consisting of two types, blue fiber rope and white fiber rope, comprised of long fiber amosite, finished in 100 foot coils 1/2 to 2 inches in diameter.

(13) Loose wool, comprised of wool fibers, packaged in 40-pound bags.

(14) Granulated wool, comprised of wool fibers, packaged in 40-pound bags.

(15) Slag Fiber, which is the material of which all mineral wool is made.

(16) Super No. 711 Mineral Wool Cement, insulating cement, comprised of asbestos, wool and clay, packaged in 50-pound bags.

(17) Utility Thermal Finish Cement, thermal finishing cement, comprised of asbestos, wool, Portland cement and clay, packaged in 50-pound bags.

(18) Hilite, insulating and finishing cement, comprised of mineral wool, asbestos, Portland cement and clay, packaged in 50-pound bags.

Prior to the year 1940 and until the year 1959, but not since the year of 1959, the said R & I Refractory and Insulation Corporation manufactured the following insulating blocks:

(1) No. 12 insulating blocks, comprised of expanded perlite, cement binder, 5% amocite fiber, packaged in cardboard coartons of about 3 cubic feet capacity.

(2) No. 18 insulating Block, comprised of expanded vermiculite, cement, and diatomaceous clay, packaged in cardboard cartons of about 3 cubic feet capacity.

(3) No. 19 insulating blocks, comprised of expanded vermiculite, cement and diatomaceous clay, packaged in cardboard cartons of about 3 cubic feet capacity.

Prior to its acquisition by and merger with Combustion Engineering, Inc., and beginning prior to the year 1940, R & I Refractory and Insulation Corporation manufactured and still manufactures (now operating as C-E Refractory Division of Combustion Engineering, Inc.) the following insulating materials:

(1) Super Stic Tite, an insulating cement comprised of asbestos, wool and clay, packaged in 50-pound bags.

(2) Super Finish Stic Tite, finishing insulating cement, comprised of asbestos, wool, Portland cement and clay, packaged in 50-pound bags.

(3) R & I Insulated Felt (Blankets), laminated sheets secured with galvanized wire, comprised of mineral wool, packaged in cardboard cartons of about 12 cubic feet capacity.

(4) Loose wool, comprised of mineral wool, packaged in 40 pound bags.

(5) Stic Tite, insulating cement, comprised of asbestos, wool and clay, packaged in 50-pound bags.

(6) Super Finish, insulating finish cement, comprised of asbestos, wool, Portland cement and clay, packaged in 40 pound bags.

(7) Pourinsul, granulated fibrous material, consisting of clay, wool and Portland cement, packaged in 40-pound bags.

(8) Packinsul, granulated mineral fibers, comprised of wool, packaged in 40-pound bags.

(9) Finish Stic Tite, insulating finish cement, comprised of wool, asbestos, Portland Cement and clay, packaged in 25 and 50 pound bags.

(10) Guninsul, insulating seal material, comprised of wool, banded vermiculite and clay, packaged in 50 pound bags.

(11) Casabloc, insulating pouring cement, comprised of wool, vermiculite and cement, packaged in 50 pound bags.

(12) Mix A, semi-expansion insulation, comprised of asbestos, mineral wool and clay, packaged in 50 pound bags.

As stated, on December 31, 1967, R & I Refractory and Insulation Corporation merged with Combustion Engineering, Inc., and has since that time operated as a Division of Combustion Engineering, Inc.

2.

This defendant objects to Interrogatory No. 2 and says the same is argumentative; and defendant denies the products manufactured by it were of a dangerous nature, and says that each of the products manufactured by it were suitable and reasonably fit for the purpose for which the products were intended.

3.

Defendant has not made the studies referred to.

4.

See answer to Interrogatory No. 3.

5.

Defendant, Combustion Engineering, Inc., did not, prior to December 31, 1967, package and sell any products containing asbestos. However, R and I Refractory and Insulation Corporation, which was formerly owned by Combustion Engineering, Inc., and which merged with Combustion Engineering, Inc., on December 31, 1967, packaged and sold the products listed in answer to Interrogatory No. 1 to contractors throughout the United States, through representatives, distributors and direct salesmen, some of which products, as shown by the answer to Interrogatory No. 1, contained asbestos and other materials, and the answer to Interrogatory No. 1 is here referred to; and in addition, sold, but did not package, the following products:

(1) Duriseal, a blend of asphalt mastics, comprised of asphalt and asbestos fibers, obtained pre-packaged in drums of 5, 30 and 55 gallon capacity.

(2) Permiseal, insulating sealer and weather-coating, comprised of asphalt and asbestos fibers, obtained pre-packaged in drums of 5, 30 and 35 gallon capacity.

(3) Weathercoat, protective coating, comprised of asphalt and asbestos fibers, packaged in 5, 10 and 55 gallon drums, and obtained pre-packaged.

6.

Defendant's products were used generally throughout the United States.

7.

Defendant objects to interrogatory No. 7 because same is argumentative and ambiguous, unintelligible and irrelevant to any issue in this case. Subject to such objection, defendant answers same No.

8.

No studies have been made directly by this defendant.

9.

No.

10.

No, defendant's experience has not indicated the need for doing so, and defendant does not regularly inspect the areas where workers are using products manufactured by defendant, and does not have any control over such work areas or sites where such products are used, and defendant does not make surveys in the field where such products are used.

11.

Defendant objects to Interrogatory No. 11 for the reason that same is argumentative, ambiguous, immaterial and irrelevant, and is not within the purview of the Rule relating to Interrogatories to a Party, and is not a proper matter for discovery and cannot lead to the discovery of matters which are relevant, or to proper matters of discovery.

12.

Defendant objects to Interrogatory No. 12 for the reason that same is argumentative, ambiguous, immaterial and irrelevant, and is not within the purview of the Rule relating to Interrogatories to a Party, and is not a proper matter for discovery and cannot lead to the discovery of matters which are relevant or to proper matters of discovery.

13.

Defendant objects to Interrogatory No. 13 for the reason that same is argumentative, ambiguous, immaterial and irrelevant, and is not within the purview of the Rule relating to Interrogatories to a Party, and is not a proper matter for discovery and cannot lead to the discovery of matters which are relevant or to proper matters of discovery.

14.

No.

15.

See answer to No. 10. Defendant does not make dust samplings in the field.

16.

Defendant objects to Interrogatory No. 16 on the grounds that same are irrelevant and immaterial in that plaintiff does not claim he has asbestos-induced cancer, and subject to this objection answers said interrogatory No. 16 no.

17.

Defendant objects to Interrogatory No. 17 on the grounds that same is immaterial and irrelevant in that plaintiff does not claim he has the disease of mesothelioma.

18.

Beginning in 1969, the following warning has been placed on this defendant's products containing asbestos, such warning being to all who use such products: "CAUTION: This product contains asbestos fibers. Excessive inhalation of asbestos may be harmful. If adequate ventilation is not possible, wear respirators approved by the U. S. Bureau of Mines." This was done because there was much discussion about the matter and acting on the advice of industry spokesmen it was decided to transmit this information to workers using the product if they did not already have this information

19.

Interrogatory No. 19 is objected to on the grounds that it is irrelevant and immaterial in that plaintiff does not claim he has cor pulmonale.

20.

Defendant recognizes that asbestos is a durable material but does not recognize that asbestos fiber exists for an infinity of years.

21.

Defendant recognizes that year by year more asbestos is used in the United States, but the remainder of the interrogatory No. 21 is answered no.

22.

No.

23.

No.

24.

See answer to No. 10 above.

25.

No.

26.

Defendant objects to Interrogatory No. 26 for the reason that same is ambiguous, argumentative, irrelevant and immaterial and assumes a fact not in evidence.

27.

See answer to Interrogatory No. 26 above.

28.

See answer to Interrogatory No. 26 above.

29.

Yes, these products can be distinguished by their appearance.

30.

Yes, generally speaking.

31.

Combustion Engineering, Inc., was incorporated under the laws of the State of Delaware October 25, 1912, and Windsor, Connecticut, is one of its domiciles.

32.

Combustion Engineering, Inc., has been engaged in the manufacture of products containing asbestos and which are commonly used by insulators and asbestos workers since December of 1967. However, it acquired by purchase, in June, 1963, R and I Refractory and Insulation Corporation, which had manufactured insulation containing asbestos, the latter having begun the manufacture of such products in about the year 1938.

33,

Defendant contends respirators are currently on the market which will materially reduce inhalation of asbestos dust and fibers. Such respirators are available under the United States Bureau of Mines Schedule 21B. Tests upon which said approval are based were designed and conducted by that governmental agency and are described in the Respiratory Protective Devices Manual published by the American Industrial Hygiene Association, American Conference of Governmental Hygienists, 1963. One such respirator, "Dustfoe 77", Catalog No. 10-9600, is manufactured by the Mine Safety Appliances Company.

34.

See answer to No. 32 above. Further answering such interrogatory No. 34, defendant says such products have not been placed "upon the open market to be purchased and used by the public" but are sold within a specific trade for a specific use.

35.

No; no tests have been made, but defendant has had no harmful effects on personnel involved with the manufacture of these products.

36.

Not to the knowledge of this defendant.

37.

Defendant objects to Interrogatory No. 37 in that it is not within the purview of the Rule relating to Interrogatories to a party, calls for an opinion and an assumption, and is argumentative, ambiguous, irrelevant and immaterial, and assumes facts not in evidence.

38.

- (1) Generally mixed with water.
- (2) Defendant does not manufacture.
- (3) Defendant manufactures no bricks or blocks of all asbestos. Asbestos containing pro-blocks are generally scribed or cut with a saw or knife.
- (4) Defendant does not manufacture.
- (5) Generally mixed with water.
- (6) Defendant does not manufacture.
- (7) Defendant does not manufacture.

The worker can avoid inhalation of asbestos dust or fibers by working in properly ventilated places and by wearing face masks and inhalators, if there is any asbestos dust or fibers. Insofar as defendant's products are concerned, ^{after} ~~when~~ the cements are mixed with water, there is no dust present and can be used without contributing dust to the environment.

39.

The number of employees who have worked for this defendant for 20 years or more and had any indication of lung disease was three, and upon reexamination in November, 1968, no evidence of asbestosis was indicated.

40.

Defendant does not have the medical information or knowledge referred to.

41.

Defendant objects to Interrogatory No. 41 for the reason that the matter called for therein is immaterial and irrelevant to any issue in this cause, and same is not the subject of discovery nor within the purview of the Rule in regard to interrogatories to a party, and cannot lead to matters which are the subject of discovery, and said interrogatory is irrelevant and immaterial to any issue in this cause.

42.

Defendant objects to Interrogatory No. 42 for the reason that the matter called for therein is immaterial and irrelevant to any issue in this cause, and same is not the subject of discovery nor within the purview of the rule in regard to interrogatories to a party, and cannot lead to matters which are the subject of discovery.

43.

Defendant objects to Interrogatory No. 43 for the reason that the matter called for therein is immaterial and irrelevant to any issue in this cause, and same is not the subject of discovery nor within the purview of the rule in regard to interrogatories to a party, and cannot lead to matters which are the subject of discovery.

44.

President of Combustion Engineering, Inc., - Arthur
J. Santry, Jr., 62 Vineyard Lane, Greenwich, Connecticut.

There is at present no Chairman of the Board.

45.

No answer required.

46.

Defendant objects to Interrogatory No. 46 for the
reason that same calls for a conclusion and an opinion, and such matter
is not within the purview of the rule relating to interrogatories, and
is an attempt by the plaintiff to bolster the witness and lead to the
introduction of medical articles, and defendant should not be required
to pass on the qualifications of Dr. Selikoff.

47.

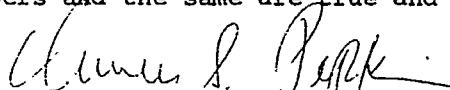
Defendant objects to Interrogatories Nos. 47 to 84, Inc., and each of
them for the reason that same call for conclusions and opinions on
questions of law.



Attorney for Defendant,
Combustion Engineering, Inc.,
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

THE STATE OF TEXAS, §
COUNTY OF JEFFERSON. §

Charles S. Pipkin, being duly sworn, on oath deposes and
says that he is attorney for the defendant, Combustion Engineering,
Inc., in the above cause and as such is duly authorized to make, file
and serve the foregoing answers to interrogatories and this affidavit,
and that he does so acting on such authority and authorization; that
he has read over the foregoing answers and the same are true and
correct.



SUBSCRIBED AND SWORN TO before me, the undersigned
authority, this 22 day of December, 1969, to certify which witness
my hand and seal of office.



NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS.

CERTIFICATE OF SERVICE.

I hereby certify that the above and foregoing instrument has been served upon the interested parties by mailing true and correct copies thereof to the following named attorneys of record for the respective parties, this 23 day of December, 1966:

Mr. Ward Stephenson, Attorney,
Stephenson & Thompson,
Stephenson Bldg.,
Orange, Texas,
Attorneys for PLAINTIFF.

Mr. George E. Duncan, Attorney,
P.O. Box 3708,
Beaumont, Texas 77704
Attorney for defendant
PITTSBURGH CORNING CORPORATION

Mr. Gordon R. Pate, Attorney,
1119 Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Defendant,
JOHNS-MANVILLE PRODUCTS CORP.

Mr. W.N. Arnold, Jr., Attorney,
Fulbright, Drooker, Freeman,
Bates & Jaworski,
Bank of the Southwest Bldg.,
Houston, Texas 77002
Attorneys for Defendants,
PHILIP CAREY MFG. CO., and
ARMSTRONG CONTRACTING AND
SUPPLY CORP.

Mr. Ben L. Reynolds, Attorney,
Royston, Rayzor & Cook,
877 San Jacinto Bldg.,
Houston, Texas 77002
Attorneys for Defendant,
EAGLE-PICHER INDUSTRIES, INC.

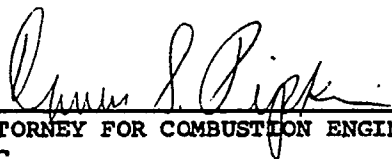
Mr. James W. Mehaffy, Sr., Attorney,
Mehaffy, Weber, Keith & Gonsoulin,
14th Floor, San Jacinto Bldg.,
Beaumont, Texas,
Attorneys for Defendant,
STANDARD ASBESTOS MFG. AND
INSULATION COMPANY.

Mr. Geo. A. Weller, Attorney,
Weller, Wheelus & Green,
P.O. Box 350,
Beaumont, Texas 77704
Attorney for Defendant
FIBREBOARD PAPER PRODUCTS CORP.

Mr. Gerald P. Coley, Attorney,
Vinson, Elkins, Searls & Connally,
First City Nat'l Bank Bldg.,
Houston, Texas 77002
Attorneys for Defendant,
UNARCO INDUSTRIES, INC.

Mr. Robert E. Barnes, Jr., Attorney,
P.O. Box 5098,
Beaumont, Texas 77706
Attorney for Defendant,
RUBEROID COMPANY.

Mr. John G. Tucker, Attorney,
Beaumont Savings Bldg.,
Beaumont, Texas 77701
Attorney for Intervenor,
CHARTER OAK FIRE INSURANCE CO.


ATTORNEY FOR COMBUSTION ENGINEERING,
INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 22 1972

JAMES R. COONEY, CLERK

SAMUEL R. POTTER

VS.

CIVIL ACTION NO. 6329

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

J U D G M E N T

BE IT REMEMBERED that on the 4th day of February, 1972, the above entitled and numbered cause wherein SAMUEL R. POTTER is plaintiff, and FIBREBOARD CORPORATION (erroneously sued herein as Fibreboard Paper Products Corporation), COMBUSTION ENGINEERING, INC., JOHNS-MANVILLE PRODUCTS CORPORATION, OWENS-CORNING FIBER GLASS CORPORATION, EAGLE-PICHER INDUSTRIES, INC., PITTSBURGH CORNING CORPORATION, UNARCO INDUSTRIES, INC., PHILIP CAREY CORPORATION, ARMSTRONG CONTRACTING AND SUPPLY CORPORATION, STANDARD ASBESTOS MANUFACTURING AND INSULATING COMPANY, RUBEROID COMPANY, Division of GAF CORPORATION, and ARMSTRONG CORK COMPANY are defendants, came on to be heard and each of the respective parties, plaintiff, defendants and cross-defendants appeared either in person or by their attorneys of record and announced ready for trial. Also came the intervenor, CHARTER OAK FIRE INSURANCE COMPANY, and the Court having heard the pleadings, the evidence and argument of counsel and then having been advised that each and all of the parties to this suit had settled and compromised the same and it appearing that all payments made and agreed to be made pursuant to said settlement have been paid and that Judgment should be entered that plaintiff and intervenor take nothing against the defendants, it is therefore

ORDERED, ADJUDGED and DECREED by the Court that the

plaintiff SAMUEL R. POTTER and the intervenor, CHARTER OAK FIRE INSURANCE COMPANY, do have and recover nothing on their respective causes of action asserted against each of the defendants, FIBREBOARD CORPORATION, COMBUSTION ENGINEERING, INC., JOHNS-MANVILLE PRODUCTS CORPORATION, OWENS-CORNING FIBER GLASS CORPORATION, EAGLE-PICHER INDUSTRIES, INC., PITTSBURGH CORNING CORPORATION, UNARCO INDUSTRIES, INC., PHILIP CAREY CORPORATION, ARMSTRONG CONTRACTING AND SUPPLY CORPORATION, STANDARD ASBESTOS MANUFACTURING AND INSULATING COMPANY, RUBEROID COMPANY, Division of GAF CORPORATION, and ARMSTRONG CORK COMPANY; and that such defendants be discharged with their costs.

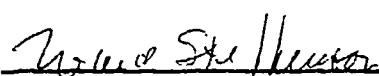
It is further ORDERED, ADJUDGED and DECREED by the Court that each of the defendants, all of whom filed a cross-action against each of the remaining defendants, should have and take nothing on their respective cross-actions.

It is further ORDERED that the Judgment heretofore rendered in behalf of Standard Asbestos Manufacturing and Insulating Company and Pittsburgh-Corning Corporation shall become a final judgment by reason of the entry and disposition of the claims of the plaintiff against each and all of the defendants and disposition against each and all of the cross-defendants.

SIGNED and ENTERED this the 22 day of February, 1972.


JUDGE PRESIDING

APPROVED AS TO FORM:


WARD STEPHENSON, Attorney for Plaintiff
SAMUEL R. POTTER


GEO. A. WELLER, Attorney for Defendant
FIBREBOARD CORPORATION

Charles S. Pipkin
CHARLES S. PIPKIN, Attorney for Defendant
COMBUSTION ENGINEERING, INC.

Gordon R. Pate
GORDON R. PATE, Attorney for Defendant
JOHNS-MANVILLE PRODUCTS CORPORATION

John G. Tucker
JOHN G. TUCKER, Attorney for Defendant
JOHNS-MANVILLE PRODUCTS CORPORATION

Dale Dowell
DALE DOWELL, Attorney for Defendant
OWENS CORNING FIBER GLASS CORPORATION

Ben L. Reynolds
BEN L. REYNOLDS, Attorney for Defendant
EAGLE-PICHER INDUSTRIES, INC.

George E. Duncan
GEORGE E. DUNCAN, Attorney for Defendant
PITTSBURGH CORNING CORPORATION

Gerald P. Coley
GERALD P. COLEY, Attorney for Defendant
UNARCO INDUSTRIES, INC.

W. N. Arnold
W. N. ARNOLD, Attorney for Defendants
PHILIP CAREY CORPORATION, ARMSTRONG
CONTRACTING AND SUPPLY CORPORATION and
ARMSTRONG CORK COMPANY

James W. Mehaffy
JAMES W. MEHAFFY, Attorney for Defendant
STANDARD ASBESTOS MANUFACTURING AND
INSULATING COMPANY

Robert E. Barnes
ROBERT E. BARNES, Attorney for Defendant
RUBEROID COMPANY, Division of GAF CORPORATION

George E. Murphy
GEORGE E. MURPHY, Attorney for Intervenor
CHARTER OAK FIRE INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 30 1970

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

CIVIL NO. 6329

JAMES R. COONEY, CLERK

BY
DEPUTY

Margaret Driver

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

CIVIL NO. 6449

ANSWERS OF DEFENDANT, COMBUSTION ENGINEERING,
INC., TO INTERROGATORIES UNDER RULE 33.

Now comes the defendant, Combustion Engineering,
Inc., in the above-entitled and numbered cause, and answers
the Interrogatories heretofore served upon it under Rule 33
of the Federal Rules of Civil Procedure as follows:

1.

This defendant has no so-called "threshold
limits" of its own for any product it manufactures or sells.

2.

See Answer to Interrogatory No. 1.

3.

See Answer to Interrogatory No. 1.

4.

See Answer to Interrogatory No. 1.

5.

It has recently been determined that on one occasion, and in connection with the use of one of its products, a representative of the defendant went into the field to observe the amount of dust created in connection with the use of said product, being #12 Insulating Block.

6.

The observation was made as a result of complaints being made in regard to the dust at the job site, and was made by Mr. Christenson of Combustion Engineering, Inc.'s Refractories Division who made a trip to a jobsite for Consolidated Edison in Astoria, Long Island, in 1963; and it was discovered that the principal contributor to the dust was pearlite and portland cement, the system used was visual observation, and it did not appear to Mr. Christenson that there was any abnormally high dust levels. His observations were not reported to any other person within the company at that time. No other dust count was made.

7.

See Answer to Interrogatory No. 1.



ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC;
1014 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

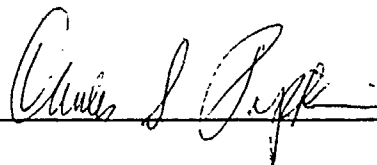
THE STATE OF TEXAS

§

COUNTY OF JEFFERSON

§

CHARLES S. PIPKIN, having been first duly sworn, on oath states that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above cause, and as such is duly authorized to make, file and serve the foregoing answers to Interrogatories, and this affidavit, and that he does so, acting under such authority and authorization; that he has read over the foregoing and the matters therein stated are true and correct.



SUBSCRIBED AND SWORN TO before me, the undersigned authority, this 7th day of September, 1970, to certify which witness my hand and seal of office.



NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 1970,
a true and correct copy of the foregoing instrument was mailed to
the following named attorneys of record:

Mr. Ward Stephenson, Attorney,
Stephenson and Thompson,
Stephenson Building,
Orange, Texas. 77630
ATTORNEY FOR PLAINTIFF, S.R. Potter

Mr. W.N. Arnold, Jr., Attorney,
Fulbright, Crooker, Freeman, Bates
& Jaworski,
Bank of the Southwest Bldg.,
Houston, Texas 77002
ATTORNEY FOR DEFENDANT, ARMSTRONG
CONTRACTING AND SUPPLY CORP.,
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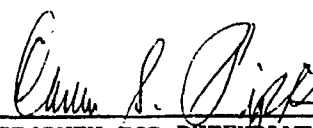
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CHARTER OAK FIRE INSURANCE CO.


ATTORNEY FOR DEFENDANT,
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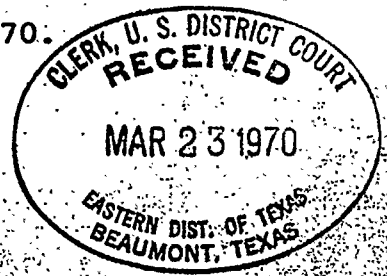
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AREA CODE 713
835-4584

March 20, 1970.



Mr. Ward Stephenson, Attorney,
Stephenson & Thompson,
Stephenson Building,
Orange, Texas.

Re: Civil Action No. 6329 - Samuel R. Potter vs. Fibreboard
Paper Products Corp., et al. U. S. District Court, Beaumont.

Dear Mr. Stephenson:

In compliance with Judge Justice's order of February 27, 1970, there are delivered to you herewith representative samples of asbestos products manufactured and placed on the market by Combustion Engineering, Inc., and its formerly owned subsidiary, R and I Refractory and Insulation Corporation, which is now operating as C.E. Refractory, a Division of Combustion Engineering, Inc. These samples are identified as to manufacturer, trade name and dates manufactured, as required by the Court's order.

I am attaching hereto all available sales literature concerning these products. It is to be noted that this literature also covers a number of products which are not concerned here, inasmuch as they do not contain asbestos.

We have no engineering, scientific and research data other than as reflected by the sales literature enclosed.

We shall advise you the name of our trial representative when such is determined.

Insofar as the names and addresses of persons in charge of medical or scientific research departments operated by this defendant, this company has no such department.

FILED
MAR 23 1970

Yours very truly,

Charles S. Pipkin

Attorney for Defendant,
Combustion Engineering, Inc.

James R. Cherry
DEPUTY

CC: Mr. Ben Reynolds
Mr. George Murphy
Mr. Robert E. Barnes
Mr. Gerald P. Coley
Mr. John G. Tucker
Mr. George Weller
Mr. James W. Mehaffy, Sr.
Mr. W.N. Arnold, Jr.
Mr. Gordon R. Pate
Mr. Dale Dowell
Mr. George Duncan
Mr. James R. Cooney, District Clerk

RECEIVED THE ABOVE THIS 20th day of March, 1970.

WARD STEPHENSON

BY _____