



Johns-Manville

M. Burt

Internal Correspondence

To: Dick Von Wald, WHQ 2-18
From: *[Signature]* L. V. Richards, Denison
Copies: W. E. Volwiler, WHQ 3-07 Neal Amarino, WHQ 1-02 J. Anderson WHQ 1-05
Subject: CLASS ACTION SUIT

Enclosed are newspaper articles from the Denison Herald and the Sherman Democrat concerning the class action suit. You will note that in the Sherman Democrat article they refer to "No comment"; however, the same statement was given to both newspapers.

If we get any additional information concerning this suit we will advise you promptly.

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Suit claims asbestos cancer

A \$2.5 million class action lawsuit against the Johns-Manville company was filed Monday in Sherman's Federal Court, claiming Charley Downs, a 53-year-old rancher from Durant, Okla., breathed cancer-causing asbestos fibers while employed for two years at the company's Denison plant during the 1950s.

He also claims that the company never warned him of the harmful effects of asbestos, that he was never instructed in ways to protect himself and that he was never furnished a respirator.

Downs is being represented by Sherman attorney Larry Cain. Johns-Manville officials declined immediate comment on the lawsuit.

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\$2.5 Million Lawsuit Brought Against J-M

SHERMAN — A \$2.5 million lawsuit was filed Monday in U.S. District Court against the Johns-Manville Corp. by Charlie Downs of Durant.

The suit alleges that Downs was "seriously and permanently injured as a result of asbestosis, lung cancer, pulmonary disease, pleural mesothelima and other related diseases now developed, and in the developing stages or which will subsequently develop as the result of his contact with asbestos while working with Johns-Manville in Denison."

In his suit, Downs claims his wage earning capacity has been permanently destroyed, that he has suffered physical pain and mental anguish, that he has incurred medical and hospital expenses and expects to have substantial medical and hospital expenses for the remainder of his life, that his life

span has been greatly reduced and that he has "contracted a disease with these unreasonably dangerous products which will be fatal to him."

The suit, a class action filing for all who have been exposed to asbestosis and may have contracted cancer, contends that persons in the industry have been aware of the problem for years and have failed to take any action to alleviate it.

Attorney Larry Cain of Sherman, representing Downs, said the suit was one of two suits he is preparing. The second suit will be filed within the next couple of weeks, he said. A similar suit has been filed in Tyler against Pittsburgh Corning Glass.

Johns-Manville plant manager Lou Richards said, "we are aware of the class action suit that has been filed; however, we have not yet received a copy of the document, and haven't reviewed it and cannot respond at this time."

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THE DENISON HERALD—Denison, Texas, Sunday, December 17, 1978

Widow Of Former J-M Employee Files Suit

SHERMAN — The widow of a former employee of Johns-Manville in Denison filed suit in federal district court here Wednesday for \$250,000 claiming her husband's death three years ago was caused by exposure to raw asbestos materials while on the job.

The lawsuit claims Glen Wayne Gage, a longtime employee of Johns-Manville, died of lung cancer and other related diseases in December 1975 at age 46.

Dorothy Gate filed the suit on behalf of herself and the couple's three children. She is

also suing several out-of-state asbestos companies doing business with Johns-Manville.

In the suit, Mrs. Gage claims the company knew the danger of handling raw asbestos, but failed to warn her husband of the danger or instruct him in ways to protect himself.

Last month, Charley Downs, a Durant, Okla., rancher, filed a class-action lawsuit against Johns-Manville. He asks \$2.5 million for damages allegedly caused by exposure to cancer-causing asbestos.