

FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 1930

DOC#: EADS013

DOCUMENT DESCRIPTION: Documents from Case of Anna Strelec for Mike Strelec

with, and indeed, the N. J. & NEW JERSEY SUPREME COURT, as to the fact that his branchial "SOMERSET" COUNTY body became

ANNA STRELEC, Administratrix ad :
prosequendum of the rights,
goods, chattels and credits offered or earned by the
MIKE STRELEC, deceased,
defendant, and had the knowledge of the nature of the said
Plaintiff,
and was not a bona fide and partial Action at Law he was

: COMPLAINT negligence.

JOHNS-MANVILLE CORPORATION, a
Corporation of the State of the defendant complaince of
New York,

Defendant.

(a) In addition, use reasonable care to provide:

and operate with a thoroughly safe place of work. It is

(b) (5) DPP - an individual is not to provide

The plaintiff, Anna Strelec, administratrix ad prosequendum of the rights, goods, chattels and credits of Mike Strelec, deceased, residing at Manville, New Jersey, says th

1. The intestate, Mike Strelec, was in the employ of the defendant corporation, at its plant in Manville, New Jersey, in the year 1927, and for several years prior there

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

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ANNA STRELEC, administratrix
ad prosequendum of MIKE STRELEC, deceased,

Plaintiff, versus
Action at Law

-vs-

A N S W E R

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

Defendant.

FIRST DEFENSE

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

FIRST DEFENSE

1. It denies paragraph 1.
2. It denies paragraph 2, except that it says that
it was and has been engaged in the manufacture of asbestos
products for commercial purposes from December 28, 1926, to
the present time.

3. It denies paragraphs 3, 4, 5, 6, and 7.

SECOND DEFENSE

The injury and the disease alleged in the complaint
were due to one of the risks of his employment assumed by
the plaintiff's intestate as part of the terms of his con-
tract of employment.

THIRD DEFENSE

were due to one of the risks of his employment assumed by the plaintiff's intestate as part of the terms of his contract of employment in that the plaintiff's intestate knew or by the exercise of reasonable care on his part should have known, the alleged dangers of his employment.

FOURTH DEFENSE

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

FIFTH DEFENSE

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

SIXTH DEFENSE

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

H. L. L. L. L. L.
Attorneys for Defendant.

My name is Anna Steles and am living in Manville. I have several children. About two years ago my husband died. He was working for John Mann for about eleven years, and before he came to work for this Company, he was working as track laborer in St. Louis Mo. for about seven years. In 1925 my husband was sent to White Haven Pa. and remained there 6 months, later he was sent to Bonnie Burns San, and he remained there until he died. I never had any intention to sue the John Mann Co. for the cause of death of my husband Michael. This idea that my husband became sick on account of working in the plant of John Mann never entered my mind, until a man came to my house some time during the summer 1929 and asked me whether I was the widow of Mike

h

He came to my house accom-
panied by the man who has
on Ice Cream Parlor by the Movie
This man told me that he was
a lawyer from Newark and that
I have to go to Court to sign
papers whether I have property
and how many children I have
I saw that this lawyer had
two women I think they were
Italians in his automobile, so
I went with him. I was asked
whether I am the widow, and
I said yes, they asked me whether
I have children and I said yes.
and I signed papers. This law-
yer said to me if I go to Court
with him, he will get me money
because my husband is dead.
I did not tell this man from
Newark to sue the Johns Man-
I don't know this lawyer, I don't
know his name I did

3

The lawyer, I don't know why
he fights the John Maurille.
I am willing to sign papers
that I don't want any law
suits against the John Maurille.
I can not speak or understand
English. I am Polish. Nobody
from the lawyer's office read to
me any papers in Polish, that
I am suing the John Maurille.
This statement was read to
me in Polish and the same
is true and correct.

Witness
Linda Weiss.

anna Strelec

Witness

E. Rame 11/8/79

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix :
ad prosequendum of the rights, :
goods, chattels and credits of : On motion to quash summons
MIKE STRELEC, deceased, and to dismiss complaint
Plaintiff, ORDER FOR DISCONTINUANCE

-vs-

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

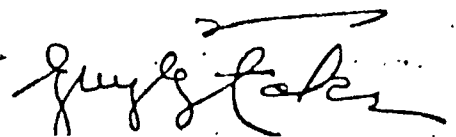
Defendant.

This matter coming on to be heard in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant) on the return of the rule to show cause allowed herein on March 7, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and it appearing that a copy of said rule was duly served upon the plaintiff, and the plaintiff's attorney within the time and in the manner required by said rule; and the attorney of the plaintiff having stated in open court that although he had been properly retained and authorized to commence the above action, he did not desire to continue it against the present wishes of his client and would therefore consent to a discontinuance of the same;

ORDERED, that said action be and the same is hereby discontinued without costs.

DATED: April 14 1930.

Rule entered this 15
day of April, 1930,



with, and inhaled, the said dangerous fibers and particles
to the extent that his body became
NEW JERSEY SUPREME COURT
SOMERSET COUNTY

infected with the same.
SUSIE RINALDO, executrix of the
estate of NICHOLAS RINALDO, deceased,
defendant, and a Plaintiff, ledge of the nature of the said
dangerous as-~~vs~~ fibers and particles with which he was
COMPLAINT

JOHNS-MANVILLE CORPORATION, say the defendant's negligence,
Corporation of the State of
New York, negligence of the defendant complained of is
Defendant.

as follows:

(a) In failing to use reasonable care to provide
the testator with a reasonably safe place of work.
The plaintiff, Susie Rinaldo, executrix of the
(b) In failing to use reasonable care to provide
estate of Nicholas Rinaldo, deceased, residing at Manville,
the testator with proper masks or other appliances or safe-
New Jersey, says that:
The testator, Nicholas Rinaldo, was in the
employ of the defendant corporation, at its plant in Manville
New Jersey, in the year 1928, and for several years prior
thereto.

2. The defendant corporation, at the time here-

in set forth, was engaged in the manufacture of asbestos
products for commercial purposes.

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

only knew, but should

with, and inhaled, the said dangerous fibers and particles to the extent that his bronchial tubes, lungs and body became infected with the same children, Angelo Rinaldo, 13 years of age; 5. The testator was not informed or warned by the years defendant, and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which he was so brought into close proximity by the defendant's negligence.

6. The negligence of the defendant complained of is as follows: Plaintiff, as executor, as aforesaid, for the (a) In failing to use reasonable care to provide the testator with a reasonable, safe place of work. cause of (b) In failing to use reasonable care to provide the testator with proper masks or other appliances or safeguards in said work. (c) In failing to use reasonable care to provide a proper ventilating system at its plant. (d) In failing to use reasonable care to give every person proper warning, information and knowledge about the dangerous character of its work with said asbestos fibers and particles to the testator at the time and place above mentioned. 7. The said asbestos fibers and particles were

introduced into the testator's body at the time and place aforesaid, so that the testator was caused to suffer serious injuries, externally and internally, in and about his head, body and limbs, and his resistance power was lowered, and he died, as a result thereof, on January 14, 1929.

8. The decedent, Nicholas Rinaldo, left a will under

10. The testator left surviving him, his widow, Susie Rinaldo, and his children, Angelo Rinaldo, 13 years of age; Beaty Rinaldo, 12 years of age; Helen Rinaldo, 11 years of age; Susie Rinaldo, 10 years of age; Nicholas Rinaldo 6 years of age; Annie Rinaldo, 5 years of age; Paul Rinaldo, 3 years of age, and Lena Rinaldo, 3 months of age; all dependent upon the said testator for support.

11. Plaintiff, as executrix, as aforesaid, for the benefit of said next of kin, is vested by virtue of the statute, in such causes, made and provided with a cause of action against the defendant for negligently causing the death of her testator, and brings this action within two years after the death of said testator.

12. The said next of kin suffered pecuniary losses by reason of the death of the said Nicholas Rinaldo, in the sum of \$50,000.00.

Plaintiff demands the sum of \$50,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff.

10-28-29

Q. Mrs. Rinaldo, how old are you ?

A. 43 years.

Q. Where were you born ?

A. I was born in Libbra, Italy.

Q. How many children have you got ?

A. Eight.

Q. Give the names and ages from the oldest to the youngest.

A. Angelo - 13 years old; Petro - 12 years old; Arenia - 10 years old; Susie - 9 years;

Nick - 7 years; Paul - 3 years; Anna - 5 years; Josie - 4 months.

Q. What was the name of your husband ?

A. Nick Rinaldo.

Q. Where did you marry him ?

A. Married in Mahanoy City, Pennsylvania.

Q. When were you married ?

A. I was married June 26th. I don't remember the year.

Q. How long do you live in Manville ?

A. Eleven years.

Q. How long did your husband work for Johns-Manville ?

A. Ten years - same place.

Q. Where did he work before he came to work for Johns-Manville ?

A. River Run near Shenandoah, Penna.

Q. What was he there ?

A. He was working at coal.

Q. What was he doing ?

A. He was working at the dumps at the mines.

*Witness
Mrs. Mildred Frangos*

A. He was working as a laborer for some railroad.

Q. Do you know that you are suing this company for money ?

A. Yes.

Q. What day did your husband die ?

A. I don't remember.

Q. This year or last year ?

A. The first month of summer. I think it was in the spring of 1929.

Q. What was the matter with your husband ?

A. He had a small pimple on his lower lip.

Q. What happened to the pimple ?

A. He died from it.

Q. Who was the doctor who treated your husband ?

A. Dr. Pogoloff.

Q. Where is Dr. Pogoloff ?

A. In Manville.

Q. How long did Dr. Pogoloff treat your husband ?

A. One week.

Q. Before he died ?

A. One week.

Q. Did he have any other trouble outside of this pimple ?

A. He got no other trouble or sickness.

Q. He was never sick before ?

A. Never.

Q. He was a good man until this pimple ?

A. My husband never had any trouble with anything until he got trouble with the pimple on his lip. I don't remember him any time ever being sick during the time he worked for Johns-Manville for ten years.

Q. Is Dr. Pogoloff a Johns-Manville doctor ?

*Witness
not needed anymore*

Q. Was your husband ever treated for this pimple ~~at~~ by the Johns-Manville doctor ?

A. Never.

Q. How long was your husband laid up on account of this pimple on his lip ?

A. One week.

Q. Did he stay away from work ?

A. He stopped working for a week.

Q. Did your husband complain about trouble with his lip and pimple to the foreman or anybody else in the plant ?

A. He did not do it as far as I know except on the day when he left the plant never to come back.

Q. How do you know that ?

A. My husband told me that he told the foreman that he has to leave the job because his face is swollen.

Q. Did Dr. Pogoloff give you any medicine ?

A. He gave him a bottle of wash.

Q. Where did you get the medicine ?

A. From the drugstore underneath the doctor's office.

Q. Do you remember the month your husband died ?

A. It was six months the 26th of November that my husband died.

Q. Mrs. Rinaldo, in May, 1929, after your husband died, did you think of suing this Company for the death of your husband ?

A. No.

Q. Did you think of suing the Johns-Manville Company in June ?

A. I don't remember.

Q. How did you get the idea of suing the Company for the death of your husband ?

A. Because I had nothing to eat for my children.

Q. Do you know the name of your lawyer ?

A. I do not know his name.

*Witness
Mrs. Mildred Rinaldo*

Q. What do you mean by "they" ?

A. A man by the name of Chester from Manville brought the lawyer to my house and he knows his name and all about this lawyer.

Q. Do you know Chester ?

A. I know Chester. I know he is a Polock and has an ice-cream parlor in Manville.

Q. Did he come to see you and ask you to hire a lawyer to fight the Johns-Manville Co.?

A. I spoke to Chester about hiring a lawyer and Chester told me that there is a lawyer in town from Newark; he is a good lawyer; go ahead and get him; and I got him.

Q. Do you know Chester ?

A. I know Chester that since I am in Manville that he is in the ice-cream business, but that day was the first time I ever spoke to Chester about this lawyer and about the death of my husband.

Q. Does Chester work for this lawyer ?

A. No, he has got a business here.

Q. Did the lawyer come to your house or did you go to his office ?

A. He came to my house.

Q. With whom ?

A. He came with Chester.

Q. Was any Italian interpreter with Chester ?

A. No.

Q. What did Chester and the lawyer do when they came to see you ?

A. They took me and my sister-in-law to Somerville.

Q. What is your sister-in-law's name ?

A. Millie Franzossi. She lives in Manville.

Q. This lawyer and Chester took you and your sister-in-law to Somerville ? Is that right.

A. Yes

*Witness
Mrs. Mildred Franzossi*

Q. Where to ? To court ?

A. In Court.

Q. Does Millie Franzosi speak English ?

A. Yes - she was born in this country.

Q. What did they tell you in Somerville ?

A. They made me sign saying I was suing the company.

Q. Did you tell the lawyer when your husband died ?

A. Yes.

Q. Did your husband ever complain about work in the shop in Johns-Manville ?

A. No, he did not, but he told me that he would quit after the birth of the baby because he feels no good.

Q. Did he go to any doctors from the time he started to work until the day he quit ?
Did he ever go to any doctors to be treated for his lungs ?

A. No.

Q. Is it true that he did not receive any medical treatment for his lungs, chest or any portion of his body from the time he worked here until the day he quit ?

A. Yes.

Q. Did you ever tell the lawyer that he had trouble with his lips and that is what your husband died from ?

A. Yes.

Q. But you did not tell the lawyer that his lungs or chest or bronchial tubes were affected ?

A. No I never told the lawyer that my husband had any trouble with his bronchial tubes lungs or other portions of the body.

Q. How much did your husband make a week ?

A. He was making Thirty to Forty dollars per week.

Q. Did he have any other income outside of the wages he received from Johns-Manville ?

A. No.

*Witness
Mildred Franzosi*

A. No.

Q. Was your husband insured for life ?

A. Only with the company and societies.

Q. Which society ?

A. Sons of Italy.

Q. Now, Mrs. Rinaldo, did the lawyer ask you to sign a paper in which it was written "what caused the death of your husband ?"

A. Yes.

Q. What did you tell him ?

A. He died from the dust of the factory and I told the lawyer that the dust from the factory poisoned the pimple and he died from that pimple, but I am positive and I remember very plainly that I never told the lawyer that my husband had trouble with his bronchial tubes or lungs on account of work at the Johns-Manville Co. This is right.

Q. Can you read or write in any language ?

A. I do not know how to read or write.

Q. What languages do you speak ?

A. Italian and very little English.

Q. What Italian dialect do you speak ?

A. Naples.

STATE OF NEW JERSEY

County of Somerset

BOROUGH OF MANVILLE

Carmino Ruggiero, 415 Avenue L, Brooklyn, New York deposes and says

I, Carmino Ruggiero, being of full age, hereby certify that I speak, read and write the English language, also the Italian language, which language is the language spoken and understood by Mrs. Susie Rinaldo, who acknowledged that the statement she made today is fully understood by her and she acknowledged that the same is true and correct.

Carmino Ruggiero

...*Carmino Ruggiero*...

I heard this statement read in Italian to Mrs. Susie Rinaldo and I heard her admit the same was true Mrs. Mildred Thompson Nov 29 1929

SS

I, Charlotte I. Wolf, 105 E. Main St., Bound Brook, N.J., took the stenographic notes on the aforesaid.

SUBSCRIBED AND SWORN BEFORE ME THIS DAY
NOVEMBER 29th 1929

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SUSIE RINALDO, executrix of
the estate of NICHOLAS
RINALDO, deceased,

Plaintiff,

vs.

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

Defendant.

On motion to quash summons
and to dismiss complaint.

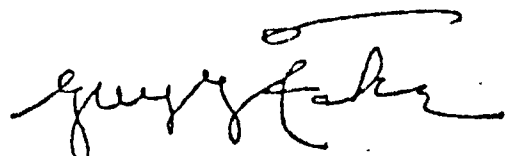
ORDER FOR DISCONTINUANCE

This matter coming on to be heard in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant) on the return of the rule to show cause allowed herein on March 7, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and it appearing that a copy of said rule was duly served upon the plaintiff, and the plaintiff's attorney, within the time and in the manner required by said rule; and the attorney of the plaintiff having stated in open court that although he had been properly retained and authorized to commence the above action, he did not desire to continue it against the present wishes of his client and would therefore consent to a discontinuance of the same;

O R D E R E D, that said action be and the same is hereby discontinued without costs.

DATED: April 14 1930.

Rule entered this 15
day of April, 1930,



U. S. D. J.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANNA STRELEC, Administratrix :
ad prosequendum of the rights, :
goods, chattels and credits of : On motion to quash summons
MIKE STRELEC, deceased, and to dismiss complaint :
Plaintiff, : ORDER FOR DISCONTINUANCE

-VS-

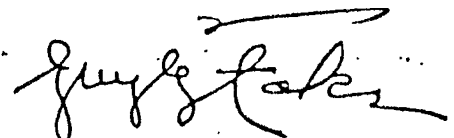
JOHNS-MANVILLE CORPORATION, a :
corporation of the State of :
New York, :
Defendant. :

This matter coming on to be heard in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant) on the return of the rule to show cause allowed herein on March 7, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and it appearing that a copy of said rule was duly served upon the plaintiff, and the plaintiff's attorney within the time and in the manner required by said rule; and the attorney of the plaintiff having stated in open court that although he had been properly retained and authorized to commence the above action, he did not desire to continue it against the present wishes of his client and would therefore consent to a discontinuance of the same;

ORDERED, that said action be and the same is hereby discontinued without costs.

DATED: April 14 1930.

Rule entered this 15
day of April, 1930,
on motion of



with, and inhaled, the said dangerous fibers and particles to the extent that his body became
NEW JERSEY SUPREME COURT
SOMERSET COUNTY

infected with the same.
SUSIE RINALDO, executrix of the
estate of NICHOLAS RINALDO, deceased,
defendant, and a Plaintiff, ledge of the nature of the said
dangerous as-vs- the fibers and particles with which he was
ACTION AT LAW
COMPLAINT

JOHNS-MANVILLE CORPORATION, say the defendant's negligence,
Corporation of the State of
New York, the negligence of the defendant complained of is
Defendant.

as follows:

(a) In failing to use reasonable care to provide
the testator with a reasonably safe place of work.

The plaintiff, Susie Rinaldo, executrix of the
estate of Nicholas Rinaldo, deceased, residing at Manville,
New Jersey, says that:
The testator, Nicholas Rinaldo, was in the
employ of the defendant corporation, at its plant in Manville
New Jersey, in the year 1928, and for several years prior
thereto.

The testator, Nicholas Rinaldo, was in the
employ of the defendant corporation, at its plant in Manville
New Jersey, in the year 1928, and for several years prior
thereto.

2. The defendant corporation, at the time here
in set forth, was engaged in the manufacture of asbestos
products for commercial purposes.

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

but should

with, and inhaled, the said dangerous fibers and particles to the extent that his bronchial tubes, lungs and body became infected with the same. Children, Angelo Rinaldo, 13 years of age; 5. The testator was not informed or warned by the years defendant, and had no knowledge of the nature of the said dangerous asbestos fibers and particles with which he was so brought into close proximity by the defendant's negligence.

6. The negligence of the defendant complained of is as follows: Plaintiff, as executor, as aforesaid, for the (a) In failing to use reasonable care to provide the testator with a reasonable, safe place of work. cause of (b) In failing to use reasonable care to provide the testator with proper masks or other appliances or safeguards in said work. (c) In failing to use reasonable care to provide a proper ventilating system at its plant. (d) In failing to use reasonable care to give any proper warning, information and knowledge about the dangerous character of its work with said asbestos fibers and particles to the testator at the time and place above mentioned. 7. The said asbestos fibers and particles were introduced into the testator's body at the time and place aforesaid, so that the testator was caused to suffer serious injuries, externally and internally, in and about his head, body and limbs, and his resistance power was lowered, and he died, as a result thereof, on January 14, 1929.

8. The decedent, Nicholas Rinaldo, left a will under

10. The testator left surviving him, his widow, Susie Rinaldo and his children, Angelo Rinaldo, 13 years of age; Beaty Rinaldo, 12 years of age; Helen Rinaldo, 11 years of age; Susie Rinaldo, 10 years of age; Nicholas Rinaldo, 6 years of age; Annie Rinaldo, 5 years of age; Paul Rinaldo, 3 years of age, and Lena Rinaldo, 3 months of age; all dependent upon the said testator for support.

11. Plaintiff, as executrix, as aforesaid, for the benefit of said next of kin, is vested by virtue of the statute, in such causes, made and provided with a cause of action against the defendant for negligently causing the death of her testator, and brings this action within two years after the death of said testator.

12. The said next of kin suffered pecuniary losses by reason of the death of the said Nicholas Rinaldo, in the sum of \$50,000.00.

Plaintiff demands the sum of \$50,000.00 as damages from the defendant.

Samuel Greenstone
Attorney for Plaintiff.

10-28-29

Q. Mrs. Rinaldo, how old are you ?

A. 43 years.

Q. Where were you born ?

A. I was born in Libbra, Italy.

Q. How many children have you got ?

A. Eight.

Q. Give the names and ages from the oldest to the youngest.

A. Angelo - 13 years old; Petro - 12 years old; Arenia - 10 years old; Susie - 9 years;

Nick - 7 years; Paul - 3 years; Anna - 5 years; Josie - 4 months.

Q. What was the name of your husband ?

A. Nick Rinaldo.

Q. Where did you marry him ?

A. Married in Mahanoy City, Pennsylvania.

Q. When were you married ?

A. I was married June 26th. I don't remember the year.

Q. How long do you live in Manville ?

A. Eleven years.

Q. How long did your husband work for Johns-Manville ?

A. Ten years - same place.

Q. Where did he work before he came to work for Johns-Manville ?

A. River Run near Shenandoah, Penna.

Q. What was he there ?

A. He was working at coal.

Q. What was he doing ?

A. He was working at the dumps at the mines.

*Witness
Mrs. Mildred Langford*

A. He was working as a laborer for some railroad.

Q. Do you know that you are suing this company for money ?

A. Yes.

Q. What day did your husband die ?

A. I don't remember.

Q. This year or last year ?

A. The first month of summer. I think it was in the spring of 1929.

Q. What was the matter with your husband ?

A. He had a small pimple on his lower lip.

Q. What happened to the pimple ?

A. He died from it.

Q. Who was the doctor who treated your husband ?

A. Dr. Pogoloff.

Q. Where is Dr. Pogoloff ?

A. In Manville.

Q. How long did Dr. Pogoloff treat your husband ?

A. One week.

Q. Before he died ?

A. One week.

Q. Did he have any other trouble outside of this pimple ?

A. He got no other trouble or sickness.

Q. He was never sick before ?

A. Never.

Q. He was a good man until this pimple ?

A. My husband never had any trouble with anything until he got trouble with the pimple on his lip. I don't remember him any time ever being sick during the time he worked for Johns-Manville for ten years.

Q. Is Dr. Pogoloff a Johns-Manville doctor ?

*Witness
Mrs. Mildred Frangos*

Q. Was your husband ever treated for this pimple ~~at~~ by the Johns-Manville doctor ?

A. Never.

Q. How long was your husband laid up on account of this pimple on his lip ?

A. One week.

Q. Did he stay away from work ?

A. He stopped working for a week.

Q. Did your husband complain about trouble with his lip and pimple to the foreman or anybody else in the plant ?

A. He did not do it as far as I know except on the day when he left the plant never to come back.

Q. How do you know that ?

A. My husband told me that he told the foreman that he has to leave the job because his face is swollen.

Q. Did Dr. Pogoloff give you any medicine ?

A. He gave him a bottle of wash.

Q. Where did you get the medicine ?

A. From the drugstore underneath the doctor's office.

Q. Do you remember the month your husband died ?

A. It was six months the 26th of November that my husband died.

Q. Mrs. Rinaldo, in May, 1929, after your husband died, did you think of suing this Company for the death of your husband ?

A. No.

Q. Did you think of suing the Johns-Manville Company in June ?

A. I don't remember.

Q. How did you get the idea of suing the Company for the death of your husband ?

A. Because I had nothing to eat for my children.

Q. Do you know the name of your lawyer ?

A. I do not know his name.

*witness
Mrs. Mildred Rinaldo*

Q. What do you mean by "they" ?

A. A man by the name of Chester from Manville brought the lawyer to my house and he knows his name and all about this lawyer.

Q. Do you know Chester ?

A. I know Chester. I know he is a Polock and has an ice-cream parlor in Manville.

Q. Did he come to see you and ask you to hire a lawyer to fight the Johns-Manville Co.

A. I spoke to Chester about hiring a lawyer and Chester told me that there is a lawyer in town from Newark; he is a good lawyer; go ahead and get him; and I got him.

Q. Do you know Chester ?

A. I know Chester that since I am in Manville that he is in the ice-cream business, but that day was the first time I ever spoke to Chester about this lawyer and about the death of my husband.

Q. Does Chester work for this lawyer ?

A. No, he has got a business here.

Q. Did the lawyer come to your house or did you go to his office ?

A. He came to my house.

Q. With whom ?

A. He came with Chester.

Q. Was any Italian interpreter with Chester ?

A. No.

Q. What did Chester and the lawyer do when they came to see you ?

A. They took me and my sister-in-law to Somerville.

Q. What is your sister-in-law's name ?

A. Millie Franzossi. She lives in Manville.

Q. This lawyer and Chester took you and your sister-in-law to Somerville ? Is that right

A. Yes

*Witness
Mrs. Mildred Franzossi*

Q. Where to ? To court ?

A. In Court.

Q. Does Millie Franzossi speak English ?

A. Yes - she was born in this country.

Q. What did they tell you in Somerville ?

A. They made me sign saying I was sueing the company.

Q. Did you tell the lawyer when your husband died ?

A. Yes.

Q. Did your husband ever complain about work in the shop in Johns-Manville ?

A. No, he did not, but he told me that he would quit after the birth of the baby because he feels no good.

Q. Did he go to any doctors from the time he started to work until the day he quit ?
Did he ever go to any doctors to be treated for his lungs ?

A. No.

Q. Is it true that he did not receive any medical treatment for his lungs, chest or any portion of his body from the time he worked here until the day he quit ?

A. Yes.

Q. Did you ever tell the lawyer that he had trouble with his lips and that is what your husband died from ?

A. Yes.

Q. But you did not tell the lawyer that his lungs or chest or bronchial tubes were affected ?

A. No I never told the lawyer that my husband had any trouble with his bronchial tubes, lungs or other portions of the body.

Q. How much did your husband make a week ?

A. He was making Thirty to Forty dollars per week.

Q. Did he have any other income outside of the wages he received from Johns-Manville

A. No.

*Witness
A. Mildred Franzossi*

A. No.

Q. Was your husband insured for life ?

A. Only with the company and societies.

Q. Which society ?

A. Sons of Italy.

Q. Now, Mrs. Rinaldo, did the lawyer ask you to sign a paper in which it was written "what caused the death of your husband ?"

A. Yes.

Q. What did you tell him ?

A. He died from the dust of the factory and I told the lawyer that the dust from the factory poisoned the pimple and he died from that pimple, but I am positive and I remember very plainly that I never told the lawyer that my husband had trouble with his bronchial tubes or lungs on account of work at the Johns-Manville Co. This is right.

Q. Can you read or write in any language ?

A. I do not know how to read or write.

Q. What languages do you speak ?

A. Italian and very little English.

Q. What Italian dialect do you speak ?

A. Naples.

STATE OF NEW JERSEY

County of Somerset

BOROUGH OF MANVILLE

Carmin Ruggiero, 415 Avenue L, Brooklyn, New York deposes and says

I, Carmin Ruggiero, being of full age, hereby certify that I speak, read and write English language, also the Italian language, which language is the language spoken and understood by Mrs. Susie Rinaldo, who acknowledged that the statement she made today fully understood by her and she acknowledged that the same is true and correct.

Carmin Ruggiero

...*Carmin Ruggiero*...

*I heard this in my
statement read in
Italian to Mrs. Susie
Rinaldo and I heard
her admit the same
was true
Mrs. Rinaldo
Nov 29 1929*

SS

I, Charlotte I. Wolf, 105 E. Main St.,
Bound Brook, N. J., took the stenographic
notes on the aforesaid. *Charlotte I. Wolf*
SUBSCRIBED AND SWORN BEFORE ME THIS DAY
NOVEMBER 29th 1929

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SUSIE RINALDO, executrix of
the estate of NICHOLAS
RINALDO, deceased,

Plaintiff,

vs.

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

Defendant.

On motion to quash summons
and to dismiss complaint.

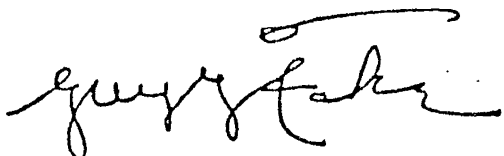
ORDER FOR DISCONTINUANCE

This matter coming on to be heard in the presence of the attorneys of the parties (Samuel Greenstone appearing for the plaintiff and Hobart & Minard appearing for the defendant) on the return of the rule to show cause allowed herein on March 7, 1930, why the summons should not be quashed and the complaint dismissed on the grounds stated in said rule, and it appearing that a copy of said rule was duly served upon the plaintiff, and the plaintiff's attorney, within the time and in the manner required by said rule; and the attorney of the plaintiff having stated in open court that although he had been properly retained and authorized to commence the above action, he did not desire to continue it against the present wishes of his client and would therefore consent to a discontinuance of the same;

O R D E R E D, that said action be and the same is hereby discontinued without costs.

DATED: April 14 1930.

Rule entered this 15
day of April, 1930,
on motion of


U. S. D. J.