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BAILEY, Esther, Executrix of the Estate of Samuel Bailey, Jr.,
CASE: Deceased v. Johns-Manville Corp., Johns-Manville Sales Corp., et al

TYPE OF ACTION: Asbestos Health Suit

Lively M. Wilson, Esq.; Stites, McElwain & Fowler
34th Floor First National Tower

J-M REGIONAL COORDINATOR: Louisville, KY 40202

C. Michael Montgomery, Esq.; Seawell, McCoy, Dalton,
Hughes, Gore & Timms; P.O. Box 936;

J-M LOCAL COUNSEL: Norfolk, VA 23510

Robert R. Hatten, Esq.; Patten & Wornom
14749 Warwick Blvd.

PLAINTIFF'S ATTORNEY: Newport News, VA 23602

DAMAGES SOUGHT: Compensatory - \$1,000,000 Punitive - \$2,000,000

Civil Action No. 76-155-NN

United States District Court for the

ORIGIN (COURT, CITY & STATE): Eastern District of Virginia, Newport News
Div.

J-M PRODUCT INVOLVED: Asbestos

DIVISION: IPD

SUMMARY: Plaintiff's decedent was employed by the Newport News Shipbuilding and Dry Dock Company in Newport News, Virginia as an electrician, rigger, and in various other occupations from 1947 to 1974. Plaintiff's decedent as a result of his exposure to asbestos products allegedly contracted unspecified diseases which resulted in his death on 3/11/76.

STATUS:

- ① 11/29/76: Complaint served on the registered agent for Johns-Manville Sales Corporation, Eppa Hunton, on 11/16/76. Mr. Hunton refused service on Johns-Manville Corp. Local counsel received copy of Complaint. Regional counsel, Travelers, Home, Marsh & McLennan, and J-M Insurance Dept. notified.
- ② 1/27/77: Depositions scheduled for 12/28/76 were called off. Plaintiff must file its initial set of interrogatories by 1/15/77. Defendants must answer plaintiff's interrogatories and plaintiff must answer defendants interrogatories by 3/1/77. Depositions should be scheduled for the first ten days of April. Complaint proposed to bring an indemnity action against the United States Government by defendants.
- ③ 2/2/77: Answers to Interrogatories sent to local attorney for filing on behalf of Johns-Manville Corp. and Johns-Manville Sales Corp.
- ④ 3/7/77: On 2/15/77 a hearing was held in this case. Most of hearing was concerned with parties' objections to Interrogatories and most of the Court's rulings were favorable to the defendants and adverse to plaintiff. Discovery in the White case was consolidated with Bailey and will proceed during the first two weeks in April.

Defendants

J-M Corp.
J-M Sales
Raybestos-Manhattan Inc.
Anchor Packing
Owens-Corning Fiberglas Corp.
Certain-Teed Corp.
Gustin-Bacon Mfg. Co.
Nicolet Industries Inc.
Pittsburgh Corning Corp.
GAF Corp.
Celotex Corp.
Philip Carey Corp.
Armstrong Cork Co.
Acands Inc.
Unarco Industries Inc.

Combustion Engineering Inc.
H.K. Porter Co., Inc.
Southern Asbestos Co.
Garlock Inc.
J.P. Stevens & Co. Inc.
Eagle-Picher Industries Inc.
Burlington Industries
Amatex Corp.
Janos Asbestos Co. Inc.
Fibreboard Corp.
Pabco Industrial Products Div.
Flexitallic Gasket Co. Inc.
Keene Corp.
Industrial Insulation Div.
Baldwin-Ehret-Hill Inc.
Rock Wool Mfg. Co. Inc.

- ⑥ 3/9/77: Supplemental Answers to Interrogatories and Affidavit will be filed on behalf of J-M.
- ⑥ 3/24/77: Depositions scheduled: Esther Baile 4/1/77, Ronald M. Cash 4/1/77, Donahue Ellis 4/2/77, Willie A. Gibbson 4/2/77, Thomas J. Hogge 4/4/77, Maurice W. Holloway 4/4/77, Wilson W. Jones 4/5/77, Hugh V. Reynolds 4/5/77, John Lee Roland 4/6/77, Thomas R. Sawyer 4/6/77, Milton L. Stacey 4/7/77, Robert L. VanDyke 4/7/77, James T. Long 4/8/77, Homer E. Watson 4/9/77, O. W. Patrick 4/9/77, Custodian of Records, Medical Dept. 4/11/77, Custodian of Records, Industrial Hygiene 4/11/77, Custodian of Records, Workmen's Compensation 4/12/77.
- ⑦ 5/4/77 Hearing held 4/28/77 before Judge Richard B. Kellam, U.S. District Court in Norfolk; Judge Spencer G. Gill, Jr., Circuit Court for the City of Norfolk; and Judge Robert F. McMurran, Circuit Court for the City of Portsmouth. Purpose was to discuss a proposed Order of Consolidation for the state cases pending in Norfolk and Portsmouth and the federal cases pending in the Eastern District of Virginia. Proposed Order forwarded to counsel for all parties, sua sponte, and hearing noticed by courts.
- ⑧ 6/10/77: First Stage Pre-Trial Order applies in all VA cases.