

Millison v. El Du Pont De Nemours

226 N.J. Super. 572 (1988)

William Millison (worked at du Pont Chamber Works, 1953 until trial date)

- Told by Dr. Neeld (medical director at Chambers Works) that he did not have asbestosis because he did not have all the “symptoms”
- When asked for a transfer, Dr. Neeld told him: “If I do it for you, I’ve got to do it for everybody.”
- Millison re: Dr. Neeld: "He told me that the company was going to take care of me. So when I asked him how they were going to take care of me, ... he said the company was going to pay my burial expenses."

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Frank Baptiste (worked at du Pont Repauno plant, 1951-1980)

- When he asked his supervisor, John Davis, why he wasn't told of his condition, Davis stated, "What the hell good would it do you?"

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Edward Agar (worked at du Pont Chamber Works, 1961-1985)

- 1975 x-ray showed pleural plaque and pleural thickening. A 1979 x-ray analysis identified calcifications as "consistent with changes which could be due to previous exposure to asbestos or other irritant materials"
- Dr. Neeld wrote in Agar's medical record: "we do not identify any `abnormal physical findings.'" Du Pont later characterized Agar's case as, "asbestos-related benign symptomatic illness."
- In 1979, Dr. Neeld refused to excuse Agar from a safety meeting at which Agar found the cigarette smoke unbearable. Agar left, and was suspended for 2.5 days without pay for having left a meeting without permission.
- 1979 annual physical was followed by a card that indicated that there was nothing wrong with him.

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Clarence Schwebel (worked at du Pont Repauno plant, 1951-trial date)

- 1973 x-ray showed pleural thickening
- 1976 x-ray showed “quite apparent pleural changes”
- 1977 x-rays – “obviously not normal”
- 1978 – Outside specialist, Dr. Egoille, made presumptive diagnosis of asbestosis.
- Dr. Reichwein (Repauno’s plant doctor) denied that Mr. Schwebel had asbestosis and told him: "you got it from the coal mine or you got it from the rock quarry or you had pneumonia.”
- Dr. Reichwein also advised C. Schwebel that, while the reports were consistent with asbestosis, they were not specifically diagnostic of asbestosis.

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Vernon Kronmaier (worked at du Pont Repauno plant, 1951-1981)

- 1965 x-rays showed pleural plaque and thickening
- 1968 x-rays showed pleural plaque and thickening

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Harold Schwebel (worked du Pont Chambers Works, 1946-1948; 1950-1951; and 1951-1976)

- 1971 – pleural changes in x-rays appeared to be asbestos-related
- Du Pont’s medical reports listed abnormalities in H. Schwebel’s x-rays, but were attributed to “old inactive lung disease.”
- Radiologist for the defense, Dr. Miller, testified that calcifications in H. Schwebel’s lungs – visible in 1971 – should be attributed to tuberculosis.