



CAUSE NO. 93-03625-I

HELEN GAMBRELL, ET AL	§	IN THE DISTRICT COURT OF
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
THE ABER COMPANY, ET AL	§	162ND JUDICIAL DISTRICT

**DEFENDANT, ITT'S RESPONSE TO PLAINTIFF'S MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ITT, Defendant in the above-entitled and number cause, and files this its answers and objections to Plaintiff's Master Interrogatories and Requests for Production. Where objections are stated, ITT moves that its objections be sustained and that it be awarded its reasonable costs and attorneys' fees. In the event any objection is overruled, Defendant, ITT, moves for an extension of time within which to furnish a further response. Subject to those objections asserted herein, ITT provides the following:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

I.

These responses are based upon facts known or believed by ITT (hereinafter "ITT") at the time of answering these interrogatories.

ITT is a large corporation whose product and service business is undergoing constant change. Throughout its history, the makeup of this corporation has undergone numerous changes.

Inasmuch as the instant matter involves allegations of alleged exposure to wire and cable allegedly containing asbestos, ITT's responses to these interrogatories are limited to its

knowledge and information respecting any such wire and cable that may have been manufactured by Royal Electric Company. Royal Electric Company, which at one time was a division of ITT, or its predecessors, did manufacture asbestos-containing wire and cable and non asbestos-containing wire and cable. On or about July 1, 1985, ITT sold Royal Electric to Forstman Little & Co. ITT has no employees with knowledge of relevant facts as to Royal Electric.

Without waiving or intending to waive any objections, ITT hereby attempts to respond to Plaintiff's interrogatories in good faith. ITT, through outside counsel, is engaged in a continuing investigation into the subject matter sought by these interrogatories, and its answers are based upon this investigation. It cannot exclude the possibility that its continuing investigations may at some future time reveal more complete information, or even information which indicates that an answer which is now being provided is inaccurate.

II.

Defendant, ITT, objects to the definitions and instructions prepared by Plaintiff's counsel in that they seek to expand the duty to object and seek intrusion in the attorney-client privilege, work product privilege, witness statement privilege, party communication privilege and consulting expert privilege contained in Texas Rule of Civil Procedure 166b. Defendant will not be bound by Plaintiff's definitions and instructions to the extent that they are inconsistent with the normal and customary usage of words in the Texas Rules of Civil Procedure.

Materials to be produced will be produced according to the provisions of the Texas Rules of Civil Procedure and Defendant objects to the Plaintiff's instructions to the contrary. Defendant further objects to Plaintiff's instructions with regard to claimed objections since these objections are not required by, nor are consistent with, the Texas Rules of Civil Procedure and

Defendant will comply with the Texas Rules of Civil Procedure with regard to its objections and supplementation.

Defendant, ITT, objects to this entire set of interrogatories and request for production and to each of them in which vague terms are utilized in Plaintiff's interrogatories and request for production which refer to "asbestos containing products." "asbestos products." "products containing asbestos," "asbestos-containing products." and the like. Such terms are vague, ambiguous and misleading. There are many products which could be referred to as such. Subject to this objection and without waiving same, ITT will only respond to such discovery requests by reference to asbestos-containing wire and cable.

Plaintiffs have propounded 63 interrogatories with numerous subdivisions. ITT objects to these interrogatories on the grounds that they are overbroad and unlimited as to time and geographic boundaries, are unduly burdensome, and are not reasonably limited in time and scope. The burden of responding to these interrogatories is so great as to be oppressive and unjust if not impossible. Defendant further objects Plaintiffs have not limited these interrogatories to products allegedly sold and/or supplied for the pertinent periods of time.

ITT further objects to these interrogatories to the extent that they seek to assume the truth of matters not established and on the grounds that they seek privileged information, proprietary information, confidential trade information, marketing information, chemical compositions or other information or materials which have been gathered or prepared in the course of litigation. Defendant additionally objects to these interrogatories for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further

objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure.

ITT objects to interrogatories seeking "corporate knowledge" because it is impossible for ITT to set forth a collective knowledge of all ITT employees, past and present. The information contained within the following responses has been assembled by counsel for ITT. It is impossible to reconstruct each step in the information-gathering process or to state that all pertinent documents have been discovered and examined. As previously stated, investigation continues. It is also impossible to state that all individuals with relevant knowledge have been contacted to this point. ITT specifically reserves the right to revise, correct, and add to, supplement, and amend its responses to plaintiff's interrogatories pursuant to Texas case law and the Rules of Civil Procedure.

III.

The objections set forth and contained herein are specifically made a part of and incorporated by reference into each of the answers set forth below.

Respectfully submitted,

JOHNSON & ASSOCIATES

By 
Rob Martin
TBN 13098985
4900 Woodway, Suite 1100
Houston, Texas 77056
(713) 961-3730 FAX 961-5438

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to opposing counsel by Federal Express, and to all other counsel of record by Regular Mail, Postage Prepaid on this the 15 day of August, 1995.


Rob Martin

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER NO. 1:

See Preliminary Statement and General Objections.

Mr. Theodore J. Fischkin
Assistant General Counsel
ITT Corporation
100 Plaza Drive
Secaucus, NJ 07096-0002

Rob Martin
Johnson & Associates
4900 Woodway, Suite 1100
Houston, TX 77056

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER NO. 2:

See Preliminary Statement and General Objections. ITT is a corporation incorporated in the state of Delaware. Its principal place of business is in New York. Service of process information is on file with the Texas Secretary of State's office.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER NO. 3:

See Preliminary Statement and General Objections.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER NO. 4:

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 4 is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence as required under Rule 166b. Subject to said objections and without waiving same, ITT responds as follows: For a period of time until approximately 1974, Royal Electric Company manufactured asbestos-containing wire and cable. Only a small portion of the wire and cable manufactured by Royal Electric Company contained asbestos. The asbestos was impregnated and saturated with moisture-resisting, flame retarding compounds.

Both asbestos-containing wire and cable and non asbestos-containing wire and cable manufactured by Royal Electric Company was produced at its Pawtucket, Rhode Island plant. Other non asbestos-containing wire and cable manufactured by Royal Electric Company was produced at its Woonsocket, Rhode Island plant, and in Los Angeles, California. All of the wire and cable manufactured by Royal Electric Company was packaged on reels, spools, or in boxes.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER NO. 5:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, please see response to Interrogatory No. 4.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.

- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date of each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos-containing product.

ANSWER NO. 6 (A - J):

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, please see response to Interrogatory No. 4.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER NO. 7 (A - B):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 7 is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence as required under Rule 166b. Some documents exist regarding sales material and specifications of wire and cable

manufactured by Royal Electric Company. These documents can be made available for inspection at a convenient time and place agreed to by counsel.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

ANSWER NO. 8 (A - C):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 8 is overbroad, onerous, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence as required under Rule 166b of the Texas Rules of Civil Procedure. ITT further objects in that this interrogatory improperly assumes that there is a health hazard associated with working with or around asbestos-containing wire and cable, which is denied. Subject to said objections and without waiving same, unknown.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER NO. 9:

See Preliminary Statement and General Objections. Further, Defendant objects to this interrogatory to the extent that it is overly broad and vague. Subject to said objections and without waiving same, please see response to Interrogatory No. 8.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER NO. 10 (A - C):

See Preliminary Statement and General Objections. Further, please see response to Interrogatory No. 8.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER NO. 11 (A - E):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 11 is overbroad, onerous, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence as required under Rule 166b of the Texas Rules of Civil Procedure. ITT further objects in that this interrogatory improperly assumes that there is a health hazard associated with working with or around asbestos-containing wire and cable, which is denied. Further, see response to Interrogatory No. 8.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER NO. 12 (A - C):

See Preliminary Statement and General Objections. Please see responses to Interrogatory No. 8 and No. 11.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER NO. 13 (A - C):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 13 improperly assumes that there is a health hazard associated with working with or around asbestos-containing wire and cable. Subject to said objections and without waiving same, please see response to Interrogatory Nos. 8, 9, 10, 11 and 12.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of

injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER NO. 14 (A - H):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 14 is overbroad, onerous, unduly burdensome, vague, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, ITT responds as follows: It is ITT's best information and belief that no warnings or caution label were affixed to its predecessors' asbestos-containing wire and cable and states that no warnings were necessary since any asbestos contained in its wire and cable was completely saturated or impregnated and thus, reasonably foreseeable use of wire and cable was not hazardous.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.

- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER NO. 15 (A - G):

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, unknown.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER NO. 16:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, unknown.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER NO. 17 (A - C):

See Preliminary Statement and General Objections. Further, ITT objects to this interrogatory as being overbroad, vague, unduly burdensome, unlimited in time and scope, and not being reasonably calculated to lead to the discovery of admissible evidence. Further, see response to Interrogatory No. 16.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER NO. 18:

See Preliminary Statement and General Objections. Further, Defendant objects to Interrogatory No. 18 to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER NO. 19 (A - D):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d). Defendant objects to this interrogatory for the reason that it is overbroad, unduly burdensome, unlimited in time and scope, and seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. ITT further objects in that this interrogatory improperly

assumes there is a health hazard associated with working with or around asbestos-containing wire and cable, which is denied.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? if so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

ANSWER NO. 20 (A - D):

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 20 is overbroad, vague, unduly burdensome, onerous, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. ITT further objects in that this interrogatory improperly assumes there is a health hazard associated with working with or around asbestos-containing wire and cable, which is denied.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER NO. 21:

See Preliminary Statement and General Objections. Please see response to Interrogatory No. 4.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? if so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER NO. 22 (A - D):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Subject to said objections and without waiving same, ITT has in its possession sales material used by Royal Electric Company that discussed its asbestos-containing wire and cable. These are available for inspection at a convenient place and time to be agreed by counsel.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or sale and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER NO. 23 (A - D):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. ITT further objects in that this interrogatory is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, asbestos-containing wire and cable would be installed in the same manner as other types of wire and cable.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER NO. 24:

See Preliminary Statement and General Objections. ITT further objects that Interrogatory No. 24 requests information outside the scope of permissible discovery under Rule 166b(2)(f)(1).

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER NO. 25 (A - G):

See Preliminary Statement and General Objections. Defendant, ITT, objects to Interrogatory No. 25 to the extent that it is overly broad, vague and ambiguous and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. This interrogatory is also objectionable since there is no literature that indicates that asbestos-containing wire cable creates a health hazard for individuals working with or around it to contract asbestos-related diseases. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, ITT has no knowledge nor does it maintain any records pertaining as to when such information became known to any specific employee of ITT or its predecessors. Defendant, ITT will state that generally, such information was obtained as it became available to members of the general public.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequence or effects of asbestos exposure.

- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER NO. 26 (A - G):

See Preliminary Statement and General Objections. Defendant, ITT objects to Interrogatory No. 26 to the extent it is overly broad, vague and ambiguous and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. This interrogatory is also objectionable since there is no literature that indicates that asbestos-containing wire cable creates a health hazard for individuals working with or around it to contract asbestos-related diseases. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, ITT has no knowledge nor does it maintain any records pertaining as to when such information became known to any specific employee of ITT or its predecessors. Defendant, ITT will state that generally, such information was obtained as it became available to members of the general public.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

ANSWER NO. 27 (A - F):

See Preliminary Statement and General Objections. Defendant, ITT objects to Interrogatory No. 27 to the extent it is overly broad, vague and ambiguous and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. This interrogatory is also objectionable since there is no literature that indicates that asbestos-containing wire cable creates a health hazard for individuals working with or around it to contract asbestos-related diseases. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, ITT has no knowledge nor does it maintain any records pertaining as to when such information became known to any specific employee of ITT or its predecessors. Defendant, ITT will state that generally, such information was obtained as it became available to members of the general public.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER NO. 28 (A - H):

See Preliminary Statement and General Objections. Defendant, ITT objects to Interrogatory No. 28 to the extent it is overly broad, vague and ambiguous and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. This interrogatory is also objectionable since there is no literature that indicates that asbestos-containing wire cable creates a health hazard for individuals working with or around it to contract asbestos-related diseases. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, ITT has no knowledge nor does it maintain any records pertaining as to when such information became known to any specific employee of ITT or its predecessors. Defendant, ITT will state that generally, such information was obtained as it became available to members of the general public.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER NO. 29 (A - G):

See Preliminary Statement and General Objections. Defendant, ITT objects to Interrogatory No. 29 to the extent it is overly broad, vague and ambiguous and seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. This interrogatory is also objectionable since there is no literature that indicates that asbestos-containing wire cable creates a health hazard for individuals working with or around it to contract asbestos-related diseases. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, ITT has no knowledge nor does it maintain any records pertaining as to when such information became known to any specific employee of ITT or its predecessors. Defendant, ITT will state that generally, such information was obtained as it became available to members of the general public.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER NO. 30:

See Preliminary Statement and General Objections. Defendant, ITT objects to Interrogatory No. 30 for the reason that it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. Further objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, please see materials published by expert witnesses identified in response to Interrogatory No. 60 and already in possession of Plaintiffs' counsel. Further, there is no health hazard associated with the use of asbestos-containing wire and cable or bystander exposure to asbestos-containing wire and cable.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER NO. 31:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, Royal Electric Company's asbestos-containing wire and cable was packaged on reels, spools and boxes.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER NO. 32 (A - E):

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, ITT is not aware that Royal Electric Company entered into any "rebranding" agreements.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER NO. 33:

See Preliminary Statement and General Objections.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER NO. 34 (A - B):

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, please see response to Interrogatory No. 32.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER NO. 35 (A - D):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. This interrogatory is also objectionable to the extent it assumes that there is any health hazard associated with working with or around asbestos-containing wire and cable. Further objecting, this interrogatory is not limited in scope or time, and would be unduly burdensome, onerous and harassing. Subject to said objections and without waiving same, unknown.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect

discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? if so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER NO. 36 (A - F):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory is overbroad, vague, unduly burdensome, unlimited in time and scope. ITT further objects in that this interrogatory improperly assumes there is a health hazard associated in working with or around asbestos-containing wire and cable. Subject to said objections and without waiving same, ITT is not aware of the existence of such records.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.

- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER NO. 37 (A - H):

See Preliminary Statement and General Objections.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER NO. 38:

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory is overbroad, vague, unduly burdensome, unlimited in scope. Subject to said objections and without waiving same, no records exist relating to the sale or distribution of asbestos-containing wire and cable manufactured by Royal Electric Company.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER NO. 39 (A - C):

See Preliminary Statement and General Objections. Defendant objects to Interrogatory No. 39 to the extent it seeks information outside the scope of permissible discovery under the Texas Rules of Civil Procedure, including Rule 166b(2)(d), and information privileged from discovery under Rule 166b(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Subject to said objection and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER NO. 40:

See Preliminary Statement and General Objections. Defendant objects to this interrogatory for the reason that it seeks information which is outside the scope of permissible discovery under the Texas Rules of Civil Procedure 166b)(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. Further objecting, this interrogatory is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, please see response to Interrogatory No. 4.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER NO. 41:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, yes.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER NO. 42:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, based upon ITT's information and belief, the only foreseeable users of asbestos-containing wire and cable would have been electricians.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER NO. 43 (A - B):

See Preliminary Statement and General Objections. ITT further objects that Interrogatory No. 43 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. ITT objects that this interrogatory improperly assumes that any asbestos fibers liberated by cutting and stripping asbestos-containing wire and cable would be respirable. Subject to said objections and without waiving same, asbestos-containing wire and cable does not liberate hazardous levels of respirable asbestos fibers.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER NO. 44:

See Preliminary Statement and General Objections. ITT objects that Interrogatory No. 44 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? if so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER NO. 45:

See Preliminary Statement and General Objections.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER NO. 46:

See Preliminary Statement and General Objections. ITT objects that Interrogatory No. 46 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? if so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date of the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER NO. 47 (A - D):

See Preliminary Statement and General Objections. ITT further objects in that this interrogatory improperly assumes that there is a health hazard associated with working with or around asbestos-containing wire and cable, which is denied. Subject to said objections and without waiving same, please see response to Interrogatory No. 46.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER NO. 48 (A - C):

See Preliminary Statement and General Objections. ITT objects that Interrogatory No. 48 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER NO. 49 (A - D):

See Preliminary Statement and General Objections. ITT objects that Interrogatory No. 49 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER NO. 50:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, please see response to Interrogatory No. 14.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If

so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER NO. 51:

See Preliminary Statement and General Objections.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER NO. 52:

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 52 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, the asbestos-containing wire and cable manufactured by Royal Electric Company was a small percentage of the wire and cable they manufactured. Over time, numerous types of insulation have been developed for use in wire and cable intended for use in high heat, high temperature wire and cable. These types of insulation include silicon, Teflon, fiberglass, thermoplastics, and others.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current address of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER NO. 53 (A - D):

See Preliminary Statement and General Objections.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER NO. 54:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, Royal Electric Company manufactured other types of wire and cable intended for use in high heat high temperature applications, such as Teflon, silicon, fiberglass, and thermoplastics, among others.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER NO. 55:

See Preliminary Statement and General Objections. ITT objects that Interrogatory No. 55 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER NO. 56:

See Preliminary Statement and General Objections. Further, ITT objects that Interrogatory No. 56 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonable calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, ITT is unaware of any studies conducted at job sites where Royal Electric Company's asbestos-containing wire and cable were used in an effort to determine the level of respirable asbestos fibers emitted by cutting and stripping asbestos-containing wire and cable.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations:
- B. The name of the employee or official of the company receiving such advice:
- C. How Defendant received notice of such limits or concentrations.

ANSWER NO. 57 (A - C):

See Preliminary Statement and General Objections. ITT objects to the extent that Interrogatory No. 47 is overbroad, vague, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER NO. 58:

See Preliminary Statement and General Objections. Subject to said objections and without waiving same, please see response to Interrogatory No. 57.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER NO. 59:

See Preliminary Statement and General Objections. ITT objects to the extent that Interrogatory No. 59 is overbroad, vague, unduly burdensome, unlimited in time and scope and seeks information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privileges. Defendant further objects to this interrogatory to the extent it is overly broad, vague and seeks information outside the scope of permissible discovery under Texas Rule of Civil Procedure 166b(2)(e).

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify all books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER NO. 60 (A - F):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it is overly broad, vague and seeks information outside the scope of permissible discovery under Texas Rules of Civil Procedure 166b(2)(e). Subject to said objections and without waiving same, no decision regarding expert witnesses has been made at this time. Defendant will supplement pursuant to the Texas Rules of Civil Procedure.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.

- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER NO. 61 (A - D):

See Preliminary Statement and General Objections. Defendant objects to this interrogatory to the extent it seeks information outside the scope of permissible discovery under Texas Rules of Civil Procedure 166b(2)(d), and information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Subject to said objections and without waiving same, discovery is ongoing. Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER NO. 62:

See Preliminary Statement and General Objections. Defendant objects to this interrogatory for the reason that it seeks information outside the scope of permissible discovery under Texas Rules of Civil Procedure 166b(3)(a)(b)(c) and (d) and the attorney-client and attorney work product privilege. Further objecting, this interrogatory seeks to review Defendant's attorney work product and trial preparation, and constitutes a fishing expedition outside the scope of permissible discovery under the Texas Rules of Civil Procedure. ITT will comply with the local rules and the Texas Rules of Civil Procedure.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene and Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER NO. 63 (A - G):

See Preliminary Statement and General Objections. ITT objects in that this interrogatory is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. ITT further objects that the article referenced in Interrogatory No. 63 makes no reference to asbestos-containing wire and cable, the only product that ever contained asbestos that was manufactured by Royal Electric Company.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;

- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

ANSWER NO. 64 (A - G):

See Preliminary Statement and General Objections. ITT objects in that this interrogatory is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. ITT further objects that the article referenced in Interrogatory No. 64 makes no reference to asbestos-containing wire and cable, the only product that ever contained asbestos that was manufactured by Royal Electric Company.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE NO. 1:

See Preliminary Statement and General Objections. ITT objects to the extent that this Request for Production of Documents No. 1 is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, ITT has no photographs of the types of asbestos-containing wire and cable Royal Electric Company manufactured.

REQUEST NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE NO. 2:

See Preliminary Statement and General Objections. Defendant objects to this Request for Production as being overly broad and vague and fails to set forth with particularity those items to be produced as required under Rule 167(1)(c) and is therefore outside the scope of permissible discovery. Further objecting, this request for production seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence as well as information privileged from discovery under Rule 166b(3)(a)(b)(c) and (d), as well as the attorney-client privilege and the attorney work product privilege. Further objecting, this request for production improperly requires the creation of documents, rather than production of existing documents as provided for under the Texas Rules of Civil Procedure.

STATE OF NEW JERSEY §
§
COUNTY OF HUDSON §

VERIFICATION OF ANSWERS TO INTERROGATORIES

BEFORE ME, the undersigned authority, on this day personally appeared. THEODORE J. FISCHKIN, known to me to be the person whose name is subscribed to the foregoing instrument, who after being duly sworn and deposed, says that the above and foregoing Response to Plaintiff's Master Interrogatories and Requests for Production are not based solely on the personal knowledge of the executing party, but is based on information obtained by attorneys through their investigation and review of documents.

THEODORE J. FISCHKIN,
Assistant General Counsel
ITT Corporation

SUBSCRIBED AND SWORN TO BEFORE ME, by the said _____ on this
____ day of _____, 1995.

Notary Public in and for the State of

My commission expires: _____

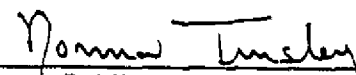
STATE OF NEW JERSEY §
§
COUNTY OF HUDSON §

VERIFICATION OF ANSWERS TO INTERROGATORIES

BEFORE ME, the undersigned authority, on this day personally appeared, THEODORE J. FISCHKIN, known to me to be the person whose name is subscribed to the foregoing instrument, who after being duly sworn and deposed, says that the above and foregoing Response to Plaintiff's Master Interrogatories and Requests for Production are not based on the personal knowledge of the executing party, but is based on information obtained by attorneys through their investigation and review of documents.


THEODORE J. FISCHKIN,
Assistant General Counsel
ITT Corporation

SUBSCRIBED AND SWORN TO BEFORE ME, by the said Theodore J. Fischkin
_____ on this
14th day of August, 1995.


Notary Public in and for the State of
NEW JERSEY

My commission expires: 3/7/96

NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAR. 07, 1996