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NO. 93-09658-E

BARON & BUDD

CHARLIE GRAY HOVELL, SR.,
et al.,

Plaintiffs,

v.

OWENS-CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

101ST JUDICIAL DISTRICT



**DEFENDANT'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' MASTER INTERROGATORIES**

TO: Plaintiffs, by and through their attorneys of record, Russell W. Budd, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW Chrysler Corporation ("Chrysler" or "Defendant"), Defendant in the above-entitled and numbered cause, and makes and files this its Answers and Responses to Plaintiffs' First Set of Interrogatories and Request for Production of Documents to Defendant.

I.

GENERAL STATEMENT

Defendant, Chrysler Corporation (hereinafter "Chrysler" or "Defendant"), provides these Answers to Plaintiffs' discovery, subject to the following objections, pursuant to a reasonable and duly diligent investigation and search for the requested information. All such Answers are given without prejudice to further discovery.

Thousands of employees have worked at Chrysler Corporation over the years. In conducting business, Chrysler has created millions of documents kept in numerous

geographic locations that have been moved as required. Accordingly, Chrysler does not represent that any information provided in an Answer to these discovery requests will provide all information requested. Rather, any such Answers will reflect information obtained before the date of such Answers being filed by Chrysler, pursuant to a reasonable and duly diligent search and investigation in those areas where this information was expected to be found. To the extent that these discovery requests purport to require more, Chrysler objects that compliance with such requests is not feasible and would require an undue burden or expense on Chrysler.

If additional discovery requests are propounded to Chrysler, it will not review the present discovery request to ascertain whether, subsequent to Chrysler's response to these requests, new information might be responsive to the present discovery request, except as required by the Texas Rules of Civil Procedure. To the extent that these requests purport to impose such an obligation, Chrysler objects that these requests contravene the Texas Rules of Civil Procedure and, in addition, seek to impose an undue burden and expense upon Chrysler.

Chrysler further objects to these discovery requests to the extent they seek information about subjects other than brake and friction products as being outside the scope of activities which are the subject of this lawsuit and that they seek information that is neither relevant nor likely to lead to discovery of admissible evidence.

Although Plaintiffs served Chrysler with discovery requests, Plaintiffs may already be in the possession, custody or control of some pertinent documents, perhaps even some Chrysler documents not received from Chrysler. Chrysler objects to searching for,

identifying and/or producing documents already in the possession, custody or control of Plaintiffs and/or Plaintiffs' counsel on the grounds that it would be less burdensome, more convenient, and less expensive for Plaintiffs to identify what documents Plaintiffs already have that may fall within the scope of these requests. This would accomplish several purposes: (1) it would obviate Chrysler's having to search for and copy documents already in Plaintiffs' possession; (2) it would enable Chrysler to use the documents provided as guides in looking for related material; and (3) it would, if Plaintiffs' purpose is to obtain authentication of particular documents, enable Chrysler to authenticate the copies provided by Plaintiffs without having to conduct an uninformed search for the documents.

Chrysler also objects to these discovery requests as overly broad, irrelevant, unduly burdensome and not limited to a reasonable or relevant time period or to relevant products in that they seek information beyond any individual Plaintiff's alleged working history and alleged exposure. Furthermore, Plaintiffs' work histories encompass many years and it is extremely burdensome and oppressive to provide information as to all products manufactured or sold by Chrysler during all such years, as Plaintiffs have not provided specific information as to the dates, type of asbestos containing products allegedly manufactured or sold by Chrysler, and the makes and models of vehicles serviced. In the spirit of discovery, however, Chrysler provides the following discoverable information, subject to the foregoing and subsequent objections, responsive to these discovery requests.

Chrysler further objects to these discovery requests in that they seek information exempted from disclosure by Rule 166b(3)(a-e) of the Texas Rules of Civil Procedure and the investigative privilege.

Chrysler further objects to the extent these discovery requests would impose a burden upon Chrysler to answer, produce documents or otherwise respond on behalf of a person or entity other than Chrysler Corporation and its current agents, employees and representatives, as such is overly broad, unduly burdensome, harassing and exceeds the scope of discovery under the Texas Rules of Civil Procedure.

Defendant will respond to these discovery requests in accordance with the Texas Rules of Civil Procedure, using the ordinary meanings of all terms therein.

II.

INTERROGATORIES

INTERROGATORY NO. 1: As to each and every Plaintiff within this consolidated action, please state the following with respect to each expert witness you may call during trial of this case. Please designate with specificity the expert witnesses that you may call in each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;
- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER:

No decision regarding expert witnesses has been made at the present time. Chrysler Corporation reserves the right to supplement this response and, additionally, Chrysler Corporation reserves the right to call as a witness all doctors who have examined Plaintiff, reviewed Plaintiff's medical records and/or have been designated as witnesses by any other parties to this action. Chrysler Corporation also reserves the right to use any Affidavits, Deposition, Answers to Interrogatories and Request for Admission made by any party to this action whether or not such party is still a party at the time of trial. Chrysler Corporation

further reserves the right to call any witnesses as may be necessary for rebuttal testimony. To the extent that these witnesses are alive, they may be called live or by deposition.

- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.

ANSWER:

Not applicable.

- (e) Identify all documents or other materials, including but not limited to x-rays, pathology, CT-Scans, you have provided to each person identified in response to subparagraph (a) above, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER:

Defendants objects to this Interrogatory as vague, overly broad and unduly burdensome and does not describe the documents to be identified with reasonable particularity. Furthermore, in that it seeks the mental impressions and opinions of Defendant's attorney and is, therefore, exempt from discovery under the attorney work-product doctrine, Rule 166b(3)(a) of the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, Defendant will identify those documents submitted to experts which are discoverable pursuant to Rule 166(2)(e) of the Texas Rules of Civil Procedure.

- (f) Describe in detail the education and work history of, and identify any 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:

Defendant objects to Interrogatory No. 1(f) 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 objection and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

INTERROGATORY NO. 2: 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 this case 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.

ANSWER:

Chrysler Corporation objects to this Interrogatory to the extent that it requires Defendant's attorney to reveal facts or information known by witnesses to this case contrary to Rule 166b(2)(d). Such information is revealing of the work product of the attorneys, particularly with regard to their interrogation of witnesses in anticipation of and in preparation for the trial of this matter and is, therefore, privileged from discovery pursuant to Rule 166b(3)(a)(b)(c) and (d). Subject to said objections and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d). Further, Defendant is not aware of any persons other than those designated by Plaintiffs or Defendant with personal knowledge concerning Plaintiff's alleged exposure to asbestos-containing products at the present time.

- (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;

ANSWER:

Chrysler Corporation objects to this Interrogatory to the extent that it requires Defendant's attorney to reveal facts or information known by witnesses to this case contrary to Rule 166b(2)(d). Such information is revealing of the work product of the attorneys, particularly with regard to their interrogation of witnesses in anticipation of and in preparation for the trial of this matter and is, therefore, privileged from discovery pursuant to Rule 166b(3)(a)(b)(c) and (d). Subject to said objections and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

- (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;

ANSWER:

Chrysler Corporation objects to this Interrogatory to the extent that it requires Defendant's attorney to reveal facts or information known by witnesses to this case contrary to Rule 166b(2)(d). Such information is revealing of the work product of the attorneys, particularly with regard to their interrogation of witnesses in anticipation of and in preparation for the trial of this matter and is, therefore, privileged from discovery pursuant to Rule 166b(3)(a)(b)(c) and (d). Subject to said objections and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

(d) each of Defendant's defenses enumerated in Defendant's last filed Answer.

ANSWER:

Chrysler Corporation objects to this Interrogatory to the extent that it requires Defendant's attorney to reveal facts or information known by witnesses to this case contrary to Rule 166b(2)(d). Such information is revealing of the work product of the attorneys, particularly with regard to their interrogation of witnesses in anticipation of and in preparation for the trial of this matter and is, therefore, privileged from discovery pursuant to Rule 166b(3)(a)(b)(c) and (d). Subject to said objections and without waiving same, Defendant will identify those persons with knowledge of relevant facts as required by Rule 166b(2)(d).

INTERROGATORY NO. 3: Please identify documents or things, including x-rays, MRIs, CT-scans or other materials, 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:

Defendant objects to this Interrogatory as vague, overly broad and unduly burdensome and does not describe the documents to be identified with reasonable particularity. Furthermore, in that it seeks Defendant's counsel to make a determination as to which documents are "relevant," it seeks the mental impressions and opinions of Defendant's attorney and is, therefore, exempt from discovery under the attorney work product doctrine, Rule 166b(3)(a) of the Texas Rules of Civil Procedure. Defendant further objects on the grounds that as worded, this Interrogatory encompasses information within the attorney-client privilege, work product doctrine and exempt from discovery under Rule

166b(3)(b) regarding Experts Retained for Consulting Purposes Only, 166b(3)(c) regarding Witness Statements and 166b(3)(d) regarding Party Communications.

Subject to said objections and without waiving same, all documents produced by Defendant in response to Request for Production, and documents produced by Plaintiffs may be used as exhibits by Defendant at the trial of this matter.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please provide a copy of all documents and other materials, other than Depositions and Medical History provided by Plaintiff, and reports identified in Answer to Interrogatory No. 1(d).

ANSWER:

Defendant objects to Request for Production No. 1 to the extent that it seeks creation of documentation which is outside the scope of the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, no decision regarding expert witnesses has been made at the present time. Following any supplemental responses which identify such expert witnesses, documents responsive to this request will be made available for inspection and copying at a mutually convenient time.

REQUEST FOR PRODUCTION NO. 2: Please provide a copy of all documents and reports other than Depositions and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 1(e).

ANSWER:

Defendant objects to Request for Production No. 2 to the extent that it seeks creation of documentation which is outside the scope of the Texas Rules of Civil Procedure. Subject to said objections and without waiving same, no decision regarding expert witnesses has been made at the present time. Following any supplemental responses which identify such expert witnesses, documents responsive to this request will be made available for inspection and copying at a mutually convenient time.

REQUEST FOR PRODUCTION NO. 3: Please provide a copy of all documents, reports and other materials, identified in Answer to Interrogatory No. 3.

ANSWER:

Defendant objects to Request for Production No. 3 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. Furthermore, said request violates the Supreme Court's mandate in Lofton v. Martin that the request must be specific, must establish materiality, and must recite precisely what is sought. The Rules do not permit general inspection of an adversary's records. Lofton v. Martin, 776 S.W.2d 145, 148 (Tex. 1989).

REQUEST FOR PRODUCTION NO. 4: Please produce any and all x-rays, MRIs, CT-scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

ANSWER:

Defendant objects to Request for Production No. 4 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.

Respectfully submitted,



ROBERT KEITH DRUMMOND

State Bar No. 06139000

DAVID W. WHITEHURST

State Bar No. 21357000

KARIN JANICK

State Bar No. 00784033

STRASBURGER & PRICE, L.L.P.

901 Main Street, Suite 4300

Dallas, Texas 75202

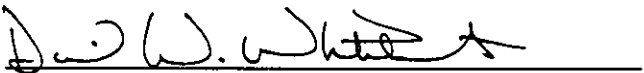
(214) 651-4300

(214) 651-4330 (Telecopier)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record on this the 28 day of February, 1996.



DAVID W. WHITEHURST