

90-23333

|                      |   |                           |
|----------------------|---|---------------------------|
| IN RE: ALL ASBESTOS  | § | IN THE DISTRICT COURTS OF |
|                      | § |                           |
| LITIGATION IN        | § |                           |
|                      | § |                           |
| HARRIS COUNTY, TEXAS | § | HARRIS COUNTY, T E X A S  |

**J T THORPE INC'S OBJECTIONS TO  
PLAINTIFFS' INTERROGATORIES TO DEFENDANTS**

TO: All Plaintiffs by and through their attorney of record, Mr. John Eddie Williams, Jr., Umphrey, Williams & Bailey, 8441 Gulf Freeway, Suite 600, Houston, Texas 77017-5001.

J T THORPE INC ("THORPE"), one of the Defendants in the above-styled and numbered cause of action, files its objections to Plaintiffs' Interrogatories and Requests for Production in the Master Asbestos File as follows:

I.

**THORPE'S OBJECTIONS TO PLAINTIFFS' INTERROGATORIES**

**A. GENERAL OBJECTIONS**

1. Thorpe objects to any Interrogatory that seeks disclosure of information that is covered by the attorney-client privilege, work product doctrine, investigative privilege, joint defense privilege, or which may constitute an intra-corporate communication generated after the date that litigation was reasonably contemplated or anticipated and that was prepared by or for Thorpe or by or for Thorpe's representatives, including any attorney, consultant or agent.

2. Thorpe objects to any Interrogatory that seeks disclosure of information that is not relevant to the subject matter involved in the pending action, that is not reasonably calculated to lead to

the discovery of admissible evidence, or that is otherwise beyond the scope of discovery permitted by the Texas Rules of Civil Procedure.

3. Thorpe objects to any Interrogatory which purports to require Thorpe to respond in a manner or to an extent not required by the Texas Rules of Civil Procedure.

4. Thorpe objects to any Interrogatory that would require disclosure of Thorpe's trade secrets or other confidential research, development or commercial information on the grounds that such disclosure would injure and disrupt Thorpe's legitimate business practice.

5. Thorpe objects to any request for information that is not within its custody, possession, or control. Information that is within the custody, possession, or control of other persons or entities is not within Thorpe's custody, possession, or control.

#### **B. SPECIFIC OBJECTIONS**

1. Thorpe objects to Interrogatory No. 3, which seeks information from all "predecessors in interest," to the extent that the information sought is not currently in the custody, possession, or control of Thorpe. Thorpe further objects to Interrogatory No. 3 to the extent that it seeks information covered by the work product exemption of Rule 166b(3)(a) of the Texas Rules of Civil Procedure and the attorney-client privilege found in Rule 503 of the Texas Rules of Civil Evidence. Thorpe further objects to Interrogatory No. 3 to the extent that it seeks disclosure of party communications made between Thorpe's agents, representatives, or employees subsequent to the incident and in anticipation of

litigation which are exempted under Rule 166b(3)(d) of the Texas Rules of Civil Procedure or to the extent that it requests disclosure of Thorpe's investigation and information gathered in anticipation of litigation, which is also privileged from discovery.

2. Thorpe objects to Interrogatory No. 4, which purports to impose an obligation on Thorpe to ascertain and compile information from documents which are covered by Plaintiffs' Requests for Production of documents and the burden of assembling this information is equally placed on Plaintiffs as on Thorpe. Thorpe further objects to Interrogatory No. 4 as overbroad and burdensome and not reasonably calculated to lead to relevant discoverable evidence.

3. Thorpe objects to Interrogatory No. 5, which purports to impose an obligation on Thorpe to ascertain and compile information from documents which are covered by Plaintiffs' Requests for Production of documents and the burden of assembling this information is equally placed on Plaintiffs as on Thorpe. Thorpe further objects to Interrogatory No. 5 as overbroad and burdensome and not reasonably calculated to lead to relevant discoverable evidence.

4. Thorpe objects to Interrogatory No. 13 to the extent that it seeks information which is covered by the work product exemption of Rule 166b(3)(a) of the Texas Rules of Civil Procedure and the attorney-client privilege found in Rule 503 of the Texas Rules of Civil Evidence. Thorpe further objects to Interrogatory No. 13 to the extent that it requests the identity, mental impressions and

opinions of a non-testifying expert who has been informally consulted or retained in anticipation of litigation or to prepare for trial, and anything he has reviewed or prepared, which is exempt from discovery under Rule 166b(3)(b) of the Texas Rules of Civil Procedure. Thorpe further objects to Interrogatory No. 13 to the extent that it requests information gathered by Thorpe in anticipation of litigation, which is privileged from discovery.

5. Thorpe objects to Interrogatory No. 21 as vague, ambiguous, burdensome, oppressive, and overly broad to the extent that it purports to require Thorpe to have independent knowledge of any and all documents currently on file in the Master Asbestos File of Harris County, and, further, this request is not limited by a specific time period.

6. Thorpe objects to Interrogatory No. 23 to the extent that it requests Thorpe to identify documents which may be produced in response to Plaintiffs' Request for Production of documents, and the burden for ascertaining the information desired from those documents is equally placed on Plaintiffs as on Thorpe.

7. Thorpe objects to Interrogatory No. 24 as overbroad and burdensome and not reasonably calculated to lead to relevant and discoverable information in this litigation. Furthermore, Interrogatory No. 24 seeks information regarding Thorpe's employees or former employees, who are not Plaintiffs, and the dissemination of such information would constitute an unwarranted intrusion on the privacy of those employees or former employees who are not parties to this litigation.

8. Thorpe objects to Interrogatory No. 25 as overbroad,

unduly burdensome, and involving unnecessary expense.

9. Thorpe objects to Interrogatory No. 31 as irrelevant and overbroad to the extent that it seeks information related to products, which are not necessarily involved in this litigation.

10. Thorpe objects to Interrogatory No. 36 as overbroad, burdensome, harassing, and involving unnecessary expense. The information sought by Plaintiffs, to the extent available, can be ascertained from the documents produced by Thorpe and the burden of assembling this information is equally placed on Plaintiffs as on Thorpe.

11. Thorpe objects to Interrogatory No. 38 as overbroad, burdensome, harassing, and involving unnecessary expense. The information sought by Plaintiffs, to the extent available, can be ascertained from the documents produced by Thorpe and the burden of assembling this information is equally placed on Plaintiffs as on Thorpe.

12. Thorpe objects to Interrogatory No. 53 as irrelevant and immaterial and not reasonably calculated to lead to relevant discoverable evidence.

13. Thorpe objects to Interrogatory No. 56 as irrelevant and overbroad to the extent that it seeks information related to any claim or lawsuits against Thorpe which do not relate to Plaintiffs' claims or have bearing on the legal or factual issues in this litigation.

## II.

### THORPE'S OBJECTIONS TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS

#### A. GENERAL OBJECTIONS

1. Thorpe objects to any request that seeks production of documents that are privileged, that are not relevant to the subject matter involved in the pending action, that are not reasonably calculated to lead to discovery of relevant admissible evidence, that were prepared in anticipation of litigation or for trial by for Thorpe's representatives, including its attorneys, consultants, or agents, or that are otherwise beyond the scope of discovery permitted by the Texas Rules of Civil Procedure.

2. Thorpe objects to any request for production of documents that are not within its custody, possession or control. Documents that are within the custody, possession or control of other persons or entities, including Thorpe's predecessors, if any, are not within Thorpe's custody, possession or control.

3. Thorpe does not, and does not intend to, waive its attorney-client or work product privileges in its production of documents pursuant to Plaintiffs' request. To the extent that any privileged document inadvertently is produced, Thorpe preserves its privilege(s) with respect to such document, its right to object to the inspection and copying of such document, its right to request that such document be returned to it, and its right to object to the admissibility of such document.

4. Thorpe objects to the production of any documents that would disclose Thorpe's trade secrets and other confidential research, development, or commercial information on the ground that

such disclosure would injure and disrupt Thorpe's legitimate business practice.

**B. SPECIFIC OBJECTIONS**

1. Thorpe objects to Request for Production No. 4 as overbroad, burdensome, and involving unnecessary expense.

2. Thorpe objects to Request for Production No. 7 as overbroad, burdensome, and involving unnecessary expense.

3. Thorpe objects to Request for Production No. 10 as overbroad, burdensome, and involving unnecessary expense.

4. Thorpe objects to Request for Production No. 11a to the extent that it seeks disclosure of information that is covered by the attorney-client privilege, work product doctrine, investigative privilege or which may constitute an intra-corporate communication generated after the date that litigation was reasonably contemplated or anticipated.

5. Thorpe objects to Request for Production No. 11b to the extent that it seeks disclosure of information that is covered by the attorney-client privilege, work product doctrine, investigative privilege or which may constitute an intra-corporate communication generated after the date that litigation was reasonably contemplated or anticipated.

6. Thorpe objects to Request for Production No. 14 to the extent that it seeks disclosure of information that is covered by the attorney-client privilege, work product doctrine, investigative privilege or which may constitute an intra-corporate communication generated after the date that litigation was reasonably contemplated or anticipated. Thorpe further objects to Request for

Production No. 14 as overbroad and burdensome.

7. Thorpe objects to Request for Production No. 15 to the extent that it seeks disclosure of information that is covered by the attorney-client privilege, work product doctrine, investigative privilege or which may constitute an intra-corporate communication generated after the date that litigation was reasonably contemplated or anticipated. Thorpe further objects to Request for Production No. 15 as overbroad and burdensome.

8. Thorpe objects to Request for Production No. 16 as overbroad and burdensome and not reasonably calculated to lead to relevant discoverable evidence. Thorpe further objects to Request for Production No. 16 as overbroad and vague as such request is not time- specific.

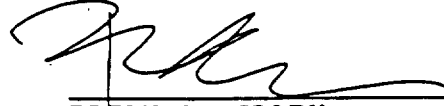
9. Thorpe objects to Request for Production No. 17 as overbroad and burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

10. Thorpe objects to Request for Production No. 18 as overbroad and burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

11. Thorpe objects to Request for Production No. 20 as overbroad and burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

Respectfully submitted,

LIVINGSTON & MARKLE

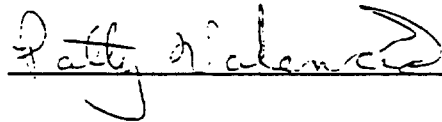


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55 Waugh Drive  
Houston, Texas 77007  
Tel: (713) 861-9595  
Fax: (713) 861-7679

ATTORNEYS FOR DEFENDANT  
J T THORPE INC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing J T Thorpe Inc's Objections to Plaintiffs' Interrogatories to Defendants was forwarded to all known counsel of record by certified mail, return receipt requested and/or by first class mail on this 3rd day of November, 1992.



LIVINGSTON & MARKLE

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

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55 WAUGH DRIVE

HOUSTON, TEXAS 77007

BRIAN S. CLARY

NOV 5 1992

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November 3, 1992



Ms. Katherine Tyra  
District Clerk  
Harris County Civil Courts Bldg.  
301 Fannin  
Houston, Texas 77002

RE: No. 90-23333; In Re: All Asbestos Litigation; In the  
District Courts of Harris County, Texas

Dear Ms. Tyra:

Enclosed please find the following for filing in the above-referenced causes of action:

1. *DEFENDANT J T THORPE INC'S OBJECTIONS TO PLAINTIFFS' INTERROGATORIES TO DEFENDANTS.*

Please indicate date and time of filing by stamping the copy of this letter in your usual manner. By copy of this letter, all known counsel are receiving a copy of this filing. Thank you very much for your assistance in this matter.

Sincerely,

Brian S. Clary

SWO:mpv  
061-01  
Enclosure

cc: Mr. John E. Williams, Jr. (CM/RRR)  
All Known Counsel of Record

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LIVINGSTON & MARKLE

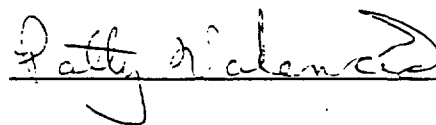


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ATTORNEYS FOR DEFENDANT  
J T THORPE INC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing J T Thorpe Inc's Objections to Plaintiffs' Interrogatories to Defendants was forwarded to all known counsel of record by certified mail, return receipt requested and/or by first class mail on this 3rd day of November, 1992.



LIVINGSTON & MARKLE

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

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November 3, 1992



Ms. Katherine Tyra  
District Clerk  
Harris County Civil Courts Bldg.  
301 Fannin  
Houston, Texas 77002

RE: No. 90-23333; In Re: All Asbestos Litigation; In the  
District Courts of Harris County, Texas

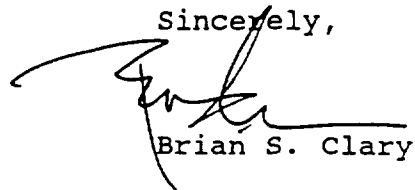
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Please indicate date and time of filing by stamping the copy of this letter in your usual manner. By copy of this letter, all known counsel are receiving a copy of this filing. Thank you very much for your assistance in this matter.

Sincerely,



Brian S. Clary

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cc: Mr. John E. Williams, Jr. (CM/RRR)  
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