PLAINTIFF'S EXHIBIT E-71

CAUSE NO. 93-03625-I

HELEN GAMBRELL, INDIVIDUALLY AND AS THE SPECIAL ADMINISTRATRIX OF THE ESTATE ROBERT GAMBRELL, DECEASED,	§	IN THE DISTRICT COURT OF
Plaintiff,	§	DALLAS COUNTY, TEXAS
vs.	§	
THE ABER COMPANY, ET AL.,	§	
Defendants.	§	162ND JUDICIAL DISTRICT

ROME CABLE CORPORATION'S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES

TO: Plaintiff, by and through its attorney of record, Mr. Russell W. Budd, Baron & Budd, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas, 75219.

COMES NOW Rome Cable Corporation ("Rome Cable") by and through its attorneys of record, and files this its Supplemental Objections and Responses to Plaintiff's Master Interrogatories. Whenever mention is made of "Plaintiff", it is understood that that term applies to both Plaintiff and Plaintiff's Decedent.

Respectfully submitted,

VIAL, HAMILTON, KOCH & KNOX
1717 Main Street
Suite 4400
Dallas, Texas 75201-4605
(214) 712-4400
FAX (214) 712-4402

By: Mark A. Hendrix/ALV
MARK A. HENDRIX
State Bar No. 09460500

ROBERT E. THACKSTON
State Bar No. 00785487

ATTORNEYS FOR DEFENDANT
ROME CABLE CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing instrument has been served on all counsel of record on this the 7th day of ~~November~~ December, 1993, via certified mail, return receipt requested.

Mark A. Hendrix/ALV
MARK A. HENDRIX

INTERROGATORIES

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: See General Objection. Rome Cable objects to this Interrogatory as the answer seeks to discover information which is protected by the attorney/client privilege or the attorney work product doctrine. Rome Cable further objects that this Interrogatory is an attempt by Plaintiff's attorney to improperly use an Interrogatory as a Request for Production. Without waiving its objections, see Objections and Response to Interrogatory No. 6.

Rome Cable further states that there is no single length of time its records are retained. The various retention periods for different types of documents are determined by many factors, including: regulations and statutes of governments in various countries; contractual requirements; types of documents - for litigation requirements; available space; and individual employees' predilections. The various corporation locations also periodically try to purge their files of "dead documents." The personnel responsible for determining document retention policy and directing the removal and destruction of records are as numerous as the Rome Cable departments that store records.

If the Plaintiff will specifically identify the product(s) which is/are alleged to have given off airborne asbestos fibers which were a substantial factor in causing the alleged asbestos-related illness which is the subject of this lawsuit, Rome Cable will endeavor to answer this Interrogatory for such product(s) to the extent it reasonably can do so. Rome Cable also refers Plaintiff to public documents equally available to Plaintiff.

INTERROGATORY NO. 22: Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or its 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 its present location.

C. The date the materials were prepared.

D. The media used to disseminate the sales materials.

ANSWER: See General Objection. Rome Cable further objects to responding to this Interrogatory for any products not alleged to have contributed to the injuries of the Plaintiff. The grounds for this objection are that this Interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of material or admissible evidence.

In addition, Rome Cable does not maintain its documents on the basis of products or the asbestos content of products. Therefore, Rome Cable would have to review every document maintained by its various departments to identify the materials requested by this Interrogatory. Consequently, a response to this Interrogatory would be burdensome and oppressive and require an unreasonable effort from Rome Cable.

Without waiving its objections, Rome Cable responds that it does not have specific information responsive to this Interrogatory. However, upon information and belief, Rome Cable does not believe that Rome Cable ever prepared any sales or marketing literature for cables containing treated asbestos braid jackets. These cables were manufactured for a specific customer in accordance with the construction/design specified by the customer. Rome Cable had no special sales literature or promotional literature on the multi-conductor power and control cables containing the asbestos paper/mylar laminate tape other than catalog pages. Because this tape was such a minor ingredient in the entire cable construction, it was not specifically described in the descriptive information on the product. The catalog pages are no longer available due to the passage of time.

Rome Cable publishes a catalog of its products which is referred to as the Rome Catalog. The catalog is published/upgraded as need dictates.

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 jobsites 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: See General Objection. In addition, Rome Cable objects to this Interrogatory as argumentative to the extent it implies that Rome Cable was under a duty to make inspections of worksites or that any product sold by Rome Cable would expose workers to harmful dust levels. Plaintiff's employers had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiff's employers could adequately train, supervise, and monitor their employees in proper methods to use and handle products used in the workplace, including asbestos-containing products.

In addition, this Interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of material, relevant or admissible evidence. As an example, the Plaintiffs in the four trial groups that were scheduled for trial in Dallas County, Texas on July 13, 1992 identified approximately 100 jobsites, some of which are no longer in existence. The investigation necessary to adequately respond to this Interrogatory is oppressive and unreasonable.

Moreover, Rome Cable objects to responding for any products not alleged to have contributed to the Plaintiff's injuries. Although products were sold directly to jobsites, they were also often sold to distributors and Rome Cable would have no knowledge of the actual location where those materials were used.

If the Plaintiff will identify a specific jobsite and those Rome Cable products which he claims emitted respirable asbestos fibers that contributed to his alleged asbestos-related injuries, Rome Cable will make every reasonable effort to respond to this Interrogatory. Without waiving its objections, Rome Cable is aware of no such procedures at this time.

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 or (sic) such Research Department.

ANSWER: See General Objection. Rome Cable further objects to this Interrogatory as overly broad, vague and ambiguous, inasmuch as the meaning of the term "research department" is unclear and may be subject to various interpretations. Rome Cable also objects on the ground that the Plaintiff has not identified any products for which Rome Cable can determine who did the relevant research. Rome Cable has never been a member of the "asbestos industry" as that term is commonly used and, therefore, has generally not been involved in the research and development of new asbestos-containing products.

Without waiving its objections, Rome Cable states that it has an engineering department which is responsible for product design and development. There would be no retained records which would specifically identify the employees of this department and there is no way to determine amounts of money spent on specific research of any type or fashion.

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: See General Objection and Objections and Responses to Interrogatory Numbers 4, 6 and 7. Rome Cable normally applied an ink print legend on the overall jacket covering the asbestos paper/mylar laminate tape it used in some of its products from 1970 through 1979 or 1980. This print legend would have Rome Cable's company name on it as well as UL listing designations. It was not Rome Cable's practice to use trade names or logos or to print the date of manufacture on its cables.

The few orders for cables manufactured by Rome Cable with a saturated asbestos braid jacket may or may not have had an ink print legend on the outermost covering. If there was an ink print legend, it would have had Rome Cable's company name included on it. Again, Rome Cable did not use logos or dates on this outermost covering.

STATE OF New York §
§
COUNTY OF Oneida §

BEFORE ME, the undersigned authority, on this day personally appeared FRANCES LaGASE, Manager of Product Engineering for Rome Cable Corporation, who being by me duly sworn, upon his oath deposes and says that he is duly authorized as an agent by and on behalf of Rome Cable Corporation to make this Verification, that he has read Defendant's Supplemental Answers to Plaintiff's Master Interrogatories, and that the facts stated therein are within his personal knowledge and are true and correct.

Francis LaGase
FRANCIS LaGASE, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this the 29th day of November, 1993.

Luann M Zaleski
Notary Public in and for the State of

LUANN M. ZALESKI
Notary Public, State of New York
No. 4924951
Qualified in Oneida County
Commission Expires April 4, 1994

My Commission Expires:

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