



HELEN GAMBRELL, Individually	\$	IN THE DISTRICT COURT
and as the Special	\$	
Administratrix of the Estate of	\$	
ROBERT GAMBRELL, Deceased	\$	DALLAS COUNTY, TEXAS
	\$	
VS.	\$	
	\$	
THE ABER COMPANY, ET AL.	\$	162ND JUDICIAL DISTRICT

DEFENDANT APPLETON ELECTRIC COMPANY'S
FIRST AMENDED ANSWERS AND OBJECTIONS
TO PLAINTIFF'S MASTER SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION

TO: Helen Gambrell, by and through her attorney of record, Mr. Russell W. Budd, BARON & BUDD, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COME NOW, Defendant Appleton Electric Company, due to a continuing and ongoing investigation, amends these answers to the master discovery and makes and files this its First Amended Answers and Objections to Plaintiff's Master Set of Interrogatories and Request for Production and would show unto the Court as follows:

INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, 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.

RESPONSE:

Patrick Henry
 Appleton Electric Company
 701 W. Wellington Avenue
 Chicago, IL 60657-4097

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.

RESPONSE:

Appleton Electric Company is a corporation incorporated in the state of Delaware with its principal place of business in Chicago, Illinois. CT Corporation is authorized to accept service on behalf of Appleton Electric Company.

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.

RESPONSE:

No.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled.

Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955.

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 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton may be unable to identify the manufacturer of the gasket material or brake pads previously identified. The gasket material was typically 1/16 inch millboard used in some lighting fixtures. However, Appleton may be unable to determine the dates of use or the manufacturer of the

gasket material. Asbestos-containing brake pads were used prior to 1982 in Reelite reels. The fiberfiller was a mineral wool after approximately 1955 and may have been prior to 1955.

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

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that there are some drawings which address the use of gasket material and brake pads. These drawings generally depict the specifications for the use of the gasket material and brake pads. The engineering department currently has possession of these documents.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have

contained asbestos prior to 1955. Appleton did not perform any tests to determine potential exposure to asbestos.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states it is unaware of any such documents relating to the gaskets, brake pads and fiberfiller.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton did not perform any tests to determine potential exposure to asbestos.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton did not perform any tests to determine potential exposure to asbestos.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states it is unaware of any such documents relating to the gaskets, brake pads and fiberfiller.

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 Interrogatory 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton did not perform any tests to determine potential exposure to asbestos.

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 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company

states it is unaware of any such documents relating to the gaskets, brake pads and fiberfiller.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company is not aware of any claims referred to in this interrogatory.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objection and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton did sell lighting fixtures which may have utilized gasket material which contained asbestos and Reelite products that utilized brake pads which may have contained asbestos. These products were sold through distributors including Keathley Patterson Electric Company.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objection and without waiving same, Appleton Electric Company states that it did sell its products through the distributor Keathley Patterson Electric Company in Arkansas.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company had no such employee requested in this interrogatory.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Appleton Electric Company further objects to the extent this interrogatory seeks information

protected by the attorney-client, attorney work product, investigation and party communication privileges. However, subject to said objections and without same, Appleton Electric Company is unaware of such documents at this time.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company is not aware of any trade organization of which it was a member that published or disseminated any documents relating to the hazards of asbestos.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets.

Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. The lighting fixtures were manufactured by Appleton at Chicago, Illinois and Milwaukee, Wisconsin until 1984. At that time, they were manufactured by Day Brite at Tupelo, Mississippi until approximately 1991.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the

discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton has a catalogue which lists the products sold by Appleton.

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 locatio.
- C. The dates of distribution or use 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states no such document exists.

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).

RESPONSE:

Appleton Electric Company is self-insured.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did not learn of health concerns associated with asbestos until sometime after 1972.

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 human.
- 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 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 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did

not learn of health concerns associated with asbestos until sometime after 1972.

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 human.
- 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 written form.
- F. Who is the custodian of such information.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of

admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did not learn of health concerns associated with asbestos until sometime after 1972.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did not learn of health concerns associated with asbestos until sometime after 1972.

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 that such diseases were 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 the adverse consequences or effects of asbestos exposure.

- E. What information was disseminated with 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did not learn of health concerns associated with asbestos until sometime after 1972.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the

discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states it is not an expert in the potential health hazards of the asbestos products and to persons working with or exposed to them and therefore cannot answer this interrogatory.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence. However, subject to said objection and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton products such as lighting fixtures were sold in cardboard boxes with the Appleton logo on the box.

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 a 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objection and without waiving same, Appleton Electric Company states no.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it purchased gasket material and brake pads. At this time, Appleton may be unable to determine the manufacturer of the gasket material and brake pads.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiary 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said

objection and without waiving same, Appleton Electric Company states no.

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.

RESPONSE:

No.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes or 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states no.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company's investigation is ongoing, but at this time, Appleton believes it is not using an asbestos containing component part in its products.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states no.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these case? 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is beyond the permissible scope of Texas Rule of Civil Procedure 166b and that no product containing asbestos manufactured by Appleton Electric Company has been identified by Plaintiff. However, subject to said objections and without waiving same, Appleton Electric Company has not made a determination as to what company representatives it may call as witnesses at the trial of these cases. Possible company representatives include Patrick Henry, Donald Knueven, Chief Engineer and Garrett Yarborough, V.P. Engineering. It is anticipated that Mr. Henry, Mr. Knueven and Mr. Yarborough may testify to the design, manufacture and marketing of Appleton products. This includes but is not limited to the use, if any, of gasket material, brake pads, fiberfiller and potential exposure, if any, to asbestos in Appleton products.

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;

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company has not purchased, reorganized or merged with another corporation, company or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company's products were expected to reach the consumer or user in the same package the product was placed in when it left Appleton Electric Company.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Appleton Electric Company objects to this interrogatory as it seeks a legal conclusion. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled.

Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton Electric Company's products foreseeable installers are 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said

objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. The Appleton lighting fixtures can be installed without liberating asbestos fibers, if the gasket material contained asbestos.

INTERROGATORY NO. 44:

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

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Appleton Electric Company objects to this interrogatory as it seeks a legal conclusion. However, subject to said objections and without waiving same, Appleton Electric Company states that it is foreseeable that lighting fixtures would be replaced.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, irrelevant and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Appleton Electric Company objects to this interrogatory to the extent it seeks information protected by the attorney-client and the attorney work product privileges. However, subject to said objections and without waiving same, Appleton Electric Company did not arrange for such inspections.

INTERROGATORY NO. 46:

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

RESPONSE:

Appleton Electric Company objects to this interrogatory as it assumes facts not in evidence. However, subject to said objections and without waiving same, Appleton Electric Company did not arrange for such inspections.

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 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;

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company did not arrange for such studies.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company has a research department but is not aware of any research concerning asbestos-containing products being performed.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company does not have a medical department.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states that it did not.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton is unaware of the gasket material, brake pads or fiberfiller containing the Appleton name or logo.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company did not.

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 addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information

which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company did not.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company did manufacture, sell or distribute lighting products which did not contain an asbestos-containing product. However, some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company states no.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company did not arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company is not aware of being advised of threshold limit values or maximum allowable concentrations.

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?

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company is not aware of being advised of threshold limit values or maximum allowable concentrations.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it is overbroad, assumes facts not in evidence and seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric Company performed no such tests.

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 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.

RESPONSE:

Appleton Electric Company objects to this interrogatory to the extent it seeks information beyond the permissible scope of discovery pursuant to Rule 166b of the Texas Rules of Civil

Procedure. However, at this time, Appleton Electric Company has not made a determination concerning experts. A list of potential experts is attached as Exhibit "A".

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.

RESPONSE:

Keathley Patterson Electric Company employees, Pine Bluff, Arkansas

Co-workers designated by the individual Plaintiffs, including, but not limited to Mr. Paul Hardage and Mr. Perry Veazy.

Potential experts on Exhibit "A", attached hereto, including, but not limited to Dr. Victor Roggli.

Discovery is ongoing at this time and Appleton Electric Company will supplement this response pursuant to the Texas Rules of Civil Procedure.

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.

RESPONSE:

Appleton Electric Company objects to this interrogatory as it seeks information protected by the attorney-client and attorney work product privileges. Furthermore, Appleton Electric Company objects to this interrogatory as it seeks information beyond the scope of the Texas Rule of Civil Procedure 166b.

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 &

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(s) 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?

RESPONSE:

Appleton Electric Company objects to this interrogatory as it seeks information which is protected by the attorney-client, attorney work product and party communication privileges. However, subject to said objections and without waiving same, Appleton is not aware of receiving the report referenced in this interrogatory.

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?

RESPONSE:

Appleton Electric Company objects to this interrogatory as it seeks information which is protected by the attorney-client, attorney work product and party communication privileges. However, subject to said objections and without waiving same, Appleton is not aware of receiving the report referenced in this interrogatory.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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

ANSWER:

Appleton Electric Company objects to this Request for Production as it is overbroad, assumes facts not in evidence, and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. However, subject to said objections and without waiving same, Appleton Electric

Company states some lighting fixtures may have asbestos-containing gaskets. Lighting fixtures containing such gaskets were generally sold assembled. Additionally, certain Reelite products had brake pads within the product which may have contained asbestos. Furthermore, fiberfiller was used as a damming material which after approximately 1955 did not contain asbestos and may not have contained asbestos prior to 1955. Appleton has limited knowledge of the gasket material or brake pads which may have been utilized in some Appleton lighting fixtures and Reelite products.

REQUEST FOR PRODUCTION 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.

ANSWER:

No such documents exist.

Respectfully submitted,

DeHay & Elliston, L.L.P.
1500 Maxus Energy Tower
717 North Harwood Street
Dallas, Texas 75201-6508
Telephone (214) 953-5454
Telecopier (214) 953-5455



GARY D. ELLISTON
State Bar No. 06584700
ERIC D. WEWERS
State Bar No. 21236650

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has been forwarded to counsel for Plaintiff, Mr. Russell W. Budd, BARON & BUDD, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, by hand delivery and to all other counsel of record by U. S. Mail, postage prepaid, on this the 25th of August, 1995.



ERIC D. WEWERS

EXHIBIT "A"

DEFENDANTS' GENERAL LIST OF MEDICAL
STATE-OF-THE-ART ECONOMIC LIABILITY
AND DAMAGE EXPERTS

1. Dr. Hans Weill, a Board Certified Pulmonary Specialist at Tulane Medical School, 1700 Perdido Street, New Orleans, Louisiana.
2. Dr. Harry B. Demopoulos, Pathologist, Health Maintenance Programs, Inc., P.O. Box 252, Valhalla, New York 10595.
3. Dr. H. Corwin Hinshaw (by deposition), retired Emeritus Professor of Medicine at the University of California School of Medicine, P.O. Box 546, Belvedere, California 94920.
4. Dr. Edward A. Gaensler, Boston University Medical Center, 80 East Concord Street, Boston, Massachusetts 02118.

Drs. Weill, Demopoulos, Hinshaw, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;

- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and
- m. The history of evolution and knowledge of asbestos related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, and Gaensler will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler will not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

- 5. Dr. R. Keith Wilson, Respiratory Consultants of Houston, 6535 Fannin, Fondren Building, Houston, Texas 77030.
- 6. Dr. Peter Heidbrink, a Board Certified Pulmonary Specialist at Southwest Pulmonary Associates, St. Paul Professional Building #2, 5959 Harry Hines Boulevard, Suite 711, Dallas, Texas 75235.
- 7. Dr. George Delclos, Pulmonary Section F907, Methodist Hospital, 6565 Fannin, Houston, Texas.
- 8. Dr. Gregory Foster, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.
- 9. Dr. Scott R. Donaldson, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.
- 10. Dr. Paul M. Stevens, a Board Certified Pulmonary Disease Specialist and Professor of Medicine at the Baylor College of Medicine in Methodist Hospital in Houston, Texas.
- 11. Drs. Stevens, Wilson, Heidbrink, Delclos, Foster, and Donaldson will testify concerning their examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos and Foster will testify that the

Plaintiffs do not have asbestosis and will further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor will also testify concerning the following areas:

- a. Anatomy and function of the respiratory and circulatory systems;
 - b. The nature of asbestos;
 - c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
 - d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
 - e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
 - f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art.
 - g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;
 - h. Cigarette smoking and its effect on the lung;
 - i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
 - j. Difference between impairment and disability;
 - k. Effect of asbestosis on disability and life expectancy;
 - l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.
12. Dr. Elliott Hinkes, a Board Certified Oncologist and Hematologist at 301 North Prairie Avenue, suite 311, Inglewood, California 90301. Dr. Hinkes will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Hinkes will also

testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.

13. Dr. Keith Morgan, who will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known and users were at risk until approximately the late 1960's.
14. Dr. Forde A. McIver, Pathology Associates, P.A., 135 Rutledge Avenue, Charleston, South Carolina 29401. Dr. McIver will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.
15. Dr. Joseph M. Miller, Box 365, New Hampton, New Hampshire. Dr. Miller will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.
16. Dr. Jesse Steinfield, who will testify concerning government warnings, smoking, and some areas of state-of-the art.
17. Dr. Stephen Ayres, Sanger Hall Room 1-014, Box 565, MCV Station, Richmond, Virginia 23298. Dr. Ayres will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.
18. Dr. Elvin Adams, General Conference of SDA's, 6840 Eastern Avenue, N.W., Washington, D.C. 20012. Dr. Adams will testify on asbestos-related diseases' effects, and in particular on smoking's effects.
19. Dr. Thomas Wheeler, The Methodist Hospital, Department of Pathology, 6565 Fannin Street, Mail Station 205, Houston, Texas 77030. Dr. Wheeler will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.
20. Dr. Robert O'Neal, Route 1, Box 168, Perkinston, Mississippi 39573. Dr. O'Neal will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.
21. Dr. Andrew Churg, The University of British Columbia, 2211 Wesbrook Mall, Vancouver, B. C. Canada V6T1W5, phone number 604-228-7111. Dr. Churg will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.

22. Dr. James Robert Shepherd, III, University of Texas Health Center at Tyler, Department of Radiology, P.O. Box 2003, Tyler, Texas 75710. Dr. Shepherd is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.
23. Dr. Sam H. Cade, Jr., Radiology Department, Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75242. Dr. Cade is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.
24. Dr. Allan Shulkin, Medical City Dallas Hospital, 7777 Forest Lane, Suite 202, Dallas, Texas 75230.
25. Dr. Bobby F. Craft, Industrial Health, Inc., 640 East Wilmington Avenue, Salt Lake City, Utah 84106. Dr. Craft will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.
26. Dr. Jeffrey S. Lee, Building 512, University of Utah, Salt Lake City, Utah 84112. Dr. Lee will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.
27. Dr. Oscar Auerbach, 158 Long Hill Drive, Short Hills, New Jersey 07078. Dr. Auerbach will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.
28. Dr. Donald Greenberg, The Methodist Hospital, Department of Pathology, 6565 Fanning, 2nd Floor, Houston, Texas 77030. Dr. Greenberg will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.
29. Dr. Michael D. Henderson, 330 Rittiman Road, San Antonio, Texas 78209. Dr. Henderson will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Henderson will also testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.
30. All physicians who have seen, examined, and/or treated Plaintiff and/or Plaintiff's decedent.
31. Dr. John E. Craighead
Chairman, Department of Pathology
A249 Given Medical Building
University of Vermont College of Medicine
Burlington, Vermont 05401

32. A. Mitchell Polinsky, Ph.D.
Stanford University
Stanford, California 94305
33. Dr. Robert Jones
Tulane Medical School
1700 Perdido Street
New Orleans, Louisiana
34. Louis Calvin Solmon
University of California in Los Angeles
Los Angeles, California
35. Mr. Phillip Bettoli, GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470. Mr. Bettoli will testify concerning the utility of asbestos-containing products.
36. Charles Henry Drummond, III
Ceramic Engineering
Ohio State University
2041 College Road
Columbus, Ohio 43210
37. Defendants reserve the right to call as expert witnesses all physicians who have seen, examined, or treated plaintiff; reviewed plaintiff's medical records; and/or been designated as a witness by any other party to this action.
38. Defendants reserve the right to use any affidavit, deposition, answer to interrogatories, and/or answers to requests for admissions made by any party to this action.
39. Defendants incorporate by reference, the depositions listed in Defendants' Designation of Deposition Testimony.
40. Defendants reserve the right to call any witness who may be necessary for rebuttal testimony.
41. James E. Lockey, M.D., M.S., 3848 Chimney Hill Drive, Cincinnati, Ohio 45241.
42. Lyle Haack who will testify as to products manufactured by CertainTeed Corporation.
43. Dr. Phillip Cagle, Pathologist, Baylor College of Medicine, One Baylor Plaza, Houston, Texas 77030, who will testify regarding general pathology and pathology of Plaintiff and/or Plaintiff's decedent.
44. All other expert and factual witnesses listed by plaintiffs and defendants in this lawsuit.

45. William C. Schwingen, GAF Building Materials Corporation, 1361 Alps Road, Wayne, New Jersey, 07470. Mr. Schwingen is an employee of GAF Building Materials Corporation. He will be testifying regarding products manufactured by GAF or The Ruberoid Co., including the manufacturing process. His testimony may also include the topics referred to in connection with Mr. Bettoli.
46. Dr. H. Corwin Hinshaw, by deposition testimony in "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-8.
47. Dr. H. Corwin Hinshaw, by deposition testimony in "In Re: Related Asbestos Cases", No. C-83-6251-RFP, in the United States District Court for the Northern District of California; "In Re" Related Shipyard and Applicator Cases: Alameda County Asbestos Litigation", in the Superior Court of the State of California, in and for the County of Alameda; Misc. No. 959, "In Re: Shipyard and Applicator Cases" (Clapper & Brayton) Consolidated for Discovery, in the Superior Court of the State of California, in and for the County of Solano; and "In Re" San Francisco Asbestos Complex Litigation", in the Superior Court of the State of California, in and for the City and County of San Francisco.
48. Dr. H. Corwin Hinshaw, by deposition testimony in "Jimmie L. Vaughan v. Johns-Manville, et al", No. CA3-81-0070-F; "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-008. "Donald C. Lanier v. Johns-Manville Sales Corp., et al", No. CA-80-1983; Jesse Cupit v. Johns-Manville Sales Corp., et al", No. CA-81-0082; "Jerry Lynn Coon v. Johns-Manville Sales Corp., et al", No. CA-81-0077; "James L. Bush v. Johns-Manville Corp., et al", No. CA-81-0088; "Charles T. Burrow v. Johns-Manville Corp., et al", No. CA-80-1984; Ernest E. Adams v. Johns-Manville Sales Corp., et al", No. CA-80-1982; "A. E. Jacks v. Johns-Manville Sales Corp., et al", No. CA-80-1981; "Clinton Wayne Barlow v. Johns-Manville Sales Corp., et al", No. CA-80-1985; and "Willard Scott, Jr. v. Johns-Manville Sales Corp., et al", No. CA-81-0081.
49. Dr. Hans Weill, by deposition testimony in "Ernest Howell v. Armstrong World Industries, Inc., et al", No. M-80-169-CA.
50. John Sartain, Sartain & Co., Inc., 3811 Turtle Creek Centre, Suite 520, Dallas, Texas 75219. John Sartain is an economist consultant and may testify regarding any economic loss incurred.
51. William Lee Eschenbacher, M.D., F988, Pulmonary Function Laboratory, The Methodist Hospital, 6565 Fannin, Street, Houston, Texas 77030.
52. Dr. Joseph H. Bates
5 Glenridge Road
Little Rock, Arkansas 72207

53. Dr. Russell D. Sherwin
2011 Zonal Avenue, HMR-201
Los Angeles, California 90033-1054
54. Dr. Dala R. Jarolim
12305 S. 14th Street
Jenks, Oklahoma 74037-4903
55. Thomas Howard, M.D.
Osler Medical Center
Suite 300
930 South Harbor City Blvd.
Melbourne, FL 32901
56. Kathryn A. Hale, M.D.
Assistant Professor of Medicine
Baylor College of Medicine and The Methodist Hospital
6550 Fannin
Smith Tower #1236
Houston, TX 77030
57. Robert M. Ross, M.D.
Certified American Board of Internal Medicine
Pulmonary Diseases
17030 Nanes Dr., Ste. 314
Houston, TX 77090
58. Gregorio I. Casar, M.D.
Respiratory Consultants of Houston
Smith Tower
6550 Fannin, Ste. 2403
Houston, TX 77030
59. Victor L. Roggli, M.D., Duke University Medical Center, Department of Pathology,
Box 3712, Durham, NC 27710, who will testify regarding general pathology and
pathology of Plaintiff and/or Plaintiff's decedent.
60. Any prior deposition or trial testimony of any witness called by any other party either
live or by deposition.
61. Any prior deposition or trial testimony of any physician who has treated, examined, or
been consulted regarding the Plaintiff.
62. Any deposition or custodian of records concerning the Plaintiff.

63. Any prior deposition or trial testimony of any Plaintiff represented by Plaintiff's attorney herein.
64. Any deposition taken by any party in this case.