



NO. CC-99-08033-B

MALCOM LEE MURPHY, JR. AND
ANNETTE HARBERT MURPHY;

Plaintiffs,

v.

OWENS CORNING (a/k/a OWENS CORNING
CORPORATION), et al.;

Defendants,

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IN THE COUNTY COURT

AT LAW #2

DALLAS COUNTY, TEXAS

**DEFENDANT TUTHILL CORPORATION'S
OBJECTIONS AND RESPONSES TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Defendant Tuthill Corporation, sued individually and as successor to Coppus Engineering Corporation ("Tuthill" or "defendant"), files its objections and responses to plaintiffs' master interrogatories and requests for production. Defendant objects to the entire set of interrogatories because they require answers which exceed in number that which is permitted under the Texas Rules of Civil Procedure ("the Rules") and the Master Asbestos Case Management Order for Dallas County. Further, defendant objects to each discovery request that seeks trade secrets or other proprietary information.

Objections to Definitions

1. Defendant objects to all of the definitions accompanying these discovery requests as they are vague, unduly burdensome, or attempt to impose upon defendant a burden greater than that imposed upon a party under the Texas Rules of Civil Procedure. In the paragraphs below, defendant identifies additional objections to specific definitions.

2. Defendant objects to the definition of the terms "Defendant," "You," "Your," "Your company," because such definitions are ambiguous, overly broad, and unduly burdensome. The definition is inaccurate. This definition purports to include defendant's "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates . . . present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate defendant . . ." Defendant objects that the definition is overly broad and attempts to require that third-parties and other non-parties to this lawsuit provide information in response to these discovery requests. The definition exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure. Similarly, the definitions of the terms "predecessors" and "subsidiaries" are confusing, ambiguous, overly broad and are objectionable for the reasons cited above.

3. Defendant objects to the "instruction" which purports to require that defendant produce a schematic or diagram detailing its subsidiaries, predecessors and divisions because such request is overly broad, unlimited in time, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to the definition of the terms "document," "documents," "written material," and "printed matter" because they are vague and ambiguous, and overly broad. To the extent this definition is broader than or conflicts with the definition provided in the Texas Rules of Civil Procedure, defendant objects to it. Defendant objects to the request that it produce documents formerly in its possession, custody or control and the request that it

produce responsive information regardless of who has custody, possession or control of the documents.

5. Defendant objects to the definition of the words "meeting" or "meetings" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

6. Defendant objects to the definition of the terms "product containing asbestos fibers," "asbestos-containing products," or "asbestos products" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage of the term.

7. Defendant objects to the definition of the terms "design changes," and "modifications" because such is ambiguous and overly broad. Defendant objects to each discovery request containing such terms to the extent they seek trade secrets or other proprietary information.

8. Defendant objects to the definition of the terms "distribute," "distributed," "distributor," and "distribution" because such are ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage in the dictionary definition of those terms.

9. Defendant objects to the definition of the terms "marketed" and "market" because such are ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage in the dictionary definition of those terms.

10. Defendant objects to the definition of the terms "medical advisory capacity" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

11. Defendant objects to the definition of the terms "trade organization" and "trade association" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

12. Defendant objects to the definition of the terms "manufacture" and "manufactured" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

13. Defendant objects to the definition of the terms "sales material" and "written sales material" because such are ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

14. Defendant objects to the definition of the terms "research" and "research department" because such are ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

15. Defendant objects to the definition of the term "medical department" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

16. Defendant objects to the definition of the term "industrial hygiene surveys" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

17. Defendant objects to the definition of the terms "potential health hazards" and "health hazards" because such are ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

18. Defendant objects to the definition of the term "testing" because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

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

ANSWER:

Defendant objects that the interrogatory is overly broad.

NSA.

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.

NSA

ANSWER:

Defendant objects that the interrogatory is overly broad.

INTERROGATORY NO. 3:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the requisite specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited

NSA

in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Further, defendant objects to the inquiry about its predecessor or subsidiary companies.

INTERROGATORY NO. 4:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the requisite specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Further, defendant objects to the inquiry about its predecessor or subsidiary companies. n/a

INTERROGATORY NO. 5:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the requisite specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Further, defendant objects to the inquiry about its predecessor or subsidiary companies. n/a

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.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects that the detailed information sought in the interrogatory is unduly burdensome. Defendant objects to providing trade secret or other proprietary information. nSa

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:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects that the detailed information sought in the interrogatory is unduly burdensome. Defendant objects to providing trade secret or other proprietary information.

nsa

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INTERROGATORY NO. 8:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects to the phrase "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" because such is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to providing trade secret or other proprietary information.

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INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications,

recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects that the detailed information sought in the interrogatory is unduly burdensome. Defendant objects to providing trade secret or other proprietary information.

NSA

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INTERROGATORY NO. 10:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessor or subsidiary companies. Defendant objects to providing trade secret or other proprietary information. Defendant objects to providing trade secret or other proprietary information.

NSA

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INTERROGATORY NO. 11:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects to the phrase "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" because such is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Finally, defendant objects that the detailed information called for is unduly burdensome. Defendant objects to providing trade secret or other proprietary information. *prv?*

NSA

INTERROGATORY NO. 12:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects to the phrase "relating to the potential health hazards" because such is ambiguous, overly broad and not relevant to the alleged exposure at issue in this lawsuit. Finally, defendant objects that the detailed information called for is unduly burdensome. Defendant objects to providing trade secret or other proprietary information.

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INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects that the detailed information called for in the interrogatory is unduly burdensome. Further, defendant objects to the request about subsidiary companies. Defendant objects to providing trade secret or other proprietary information.

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INTERROGATORY NO. 14:

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

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the requisite specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Further, defendant objects to the inquiry about its predecessor or subsidiary. NSA

INTERROGATORY NO. 15:

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

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Moreover, defendant objects that the interrogatory is not limited to matters at issue in this lawsuit, nor is it limited to a relevant time period prior to the incidents complained in plaintiffs' petition, and, further object that the interrogatory is not limited to information regarding an exposure similar to the type alleged in this lawsuit. Defendant objects to the phrase "is or are claiming or have claimed an injury . . ." because such is ambiguous and overly broad. Moreover, the identities of individuals who may have claimed an injury is not relevant to the subject matter of the pending action nor is it calculated to lead to the discovery of admissible evidence. Further, defendant objects to the inquiry as to its predecessors and subsidiaries.

nsa

INTERROGATORY NO. 16:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit.

nsa

INTERROGATORY NO. 17:

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

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

ANSWER:

Defendant objects that this interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The request is not properly limited in time or subject matter. Defendant objects to the inquiry about predecessors, successors, or subsidiaries. Similarly, defendant objects that the areas inquired about are not relevant to the matters in dispute in this lawsuit. The interrogatory is an impermissible fishing expedition under the Texas Rules of Civil Procedure. nsa

INTERROGATORY NO. 18:

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

ANSWER:

Defendant objects that the interrogatory is overly broad, burdensome, not reasonably limited in time or scope, and is not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited to employees specifically charged with advising on medical or industrial hygiene issues related to the product, if any, at issue in this case. nsa

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be

hazardous to the health of human beings? If so, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. 12a

INTERROGATORY NO. 20:

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

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

4. The method or manner in which such publications are maintained.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects that providing the requested information is unduly burdensome. Finally, defendant objects to the inquiry about its subsidiary and predecessor companies. NSA

INTERROGATORY NO. 21:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. NSA

INTERROGATORY NO. 22:

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

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

D. The media used to disseminate the sales materials.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its subsidiary and predecessor companies. nsa

INTERROGATORY NO. 23:

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

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or 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.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its subsidiary and predecessor companies. nsa

INTERROGATORY NO. 24:

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

ANSWER:

Defendant objects to this interrogatory because it exceeds the scope of permissible discovery as to insurance coverage and because it is overly broad. Subject to and without waiving the foregoing objections, will supplement.

visa, WS.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory

is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. nsa

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. nsa

INTERROGATORY NO. 27:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. MS

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. nsa

INTERROGATORY NO. 29:

As to gastrointestinal 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.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. NSA

INTERROGATORY NO. 30:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. NSA

INTERROGATORY NO. 31:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor."

NSA

INTERROGATORY NO. 32:

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

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

to be filed

ANSWER:

Defendant objects that the interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor."

NSA

INTERROGATORY NO. 33:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "subsidiary or predecessor." Moreover, defendant objects to the request that it list the name and address of each company from which defendant "purchased materials . . . stating the dates of such purchases, and the ultimate disposal of such materials" because such is overly broad and unduly burdensome. nsa

INTERROGATORY NO. 34:

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

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

ANSWER:

Defendant objects that the interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." nsa

INTERROGATORY NO. 35:

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

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.

- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Defendant objects that the interrogatory is overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." nsa

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "subsidiaries or predecessors." nsa

INTERROGATORY NO. 37:

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

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. nsa

INTERROGATORY NO. 38:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessors and/or subsidiaries. Defendant objects to the detailed information sought in the interrogatory as unduly burdensome. W &

INTERROGATORY NO. 39:

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

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

ANSWER:

Defendant objects that this is not proper discovery under the Texas Rules of Civil Procedure. Further, defendant objects to providing "a summary of the testimony expected to be given" by witnesses because such calls for speculation and invades the attorney work product privilege. priv.
Defendant objects to the request for information in subpart C because it is overly broad, not properly limited in time or scope and is not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. W &

INTERROGATORY NO. 40:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessors and/or subsidiaries. Defendant objects to the detailed information sought in the interrogatory as unduly burdensome. nsa

INTERROGATORY NO. 41:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. nsa

INTERROGATORY NO. 42:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. n

INTERROGATORY NO. 43:

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

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to providing trade secret or other proprietary information. n

pm

INTERROGATORY NO. 44:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. nse

INTERROGATORY NO. 45:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its subsidiaries or predecessors. nse

INTERROGATORY NO. 46:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to providing trade secret or other proprietary information. nse

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessors 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;

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "subsidiaries or predecessors." Additionally, defendant objects that the phrase "any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers" is vague and confusing. Similarly, the inquiry in subpart D to give "the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers" is vague, confusing, and overly broad. Defendant objects to providing trade secret or other proprietary information. N/A

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessors 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 predecessors spend on research concerning the health effects of asbestos?

- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessors and/or subsidiaries. Defendant objects to the detailed information sought in the interrogatory as unduly burdensome. The request is not limited to employees specifically charged with research concerning issues related to the defendant's product, if any, at issue in this case. Defendant objects to providing trade secret or other proprietary information. nsa p. 14

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessors or subsidiaries ever had, a Medical Department? If so, state:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessors and/or subsidiaries. Defendant objects to the detailed information sought in the interrogatory as unduly burdensome. The request is not limited to employees specifically charged with advising on medical issues related to the defendant's product, if any, at issue in this case. nsa

INTERROGATORY NO. 50:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "predecessors or subsidiaries." nsa

INTERROGATORY NO. 51:

Did your company or its predecessors 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:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "predecessors or subsidiaries." nsa

INTERROGATORY NO. 52:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably

calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "predecessors or subsidiaries." Additionally, defendant objects to the phrase "devised a research plan" because such is vague and confusing. Defendant objects to providing trade secret or other proprietary information. NSA

INTERROGATORY NO. 53:

Did your company or its predecessors 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.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its predecessors and/or subsidiaries. Defendant objects to the detailed information sought in the interrogatory as unduly burdensome. NSA

INTERROGATORY NO. 54:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks

the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. nsa

INTERROGATORY NO. 55:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. nsa

INTERROGATORY NO. 56:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about its "predecessors or subsidiaries." Additionally, defendant objects to the phrase "any industrial hygiene surveys" as vague and confusing. Finally, defendant objects that the detailed information called for in the interrogatory is unduly burdensome. nsa

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 predecessors or subsidiaries were first advised of such limits or concentrations;

- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. WJH

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. WJH

INTERROGATORY NO. 59:

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

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks

the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. WJ

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you 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;

ANSWER:

- (b) The subject matter on which the expert is expected to testify;

ANSWER:

- (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;

ANSWER:

- (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;

ANSWER:

- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;

ANSWER:

- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Defendant objects to this interrogatory because it exceeds the scope of permissible

discovery as to experts under the Texas Rules of Civil Procedure. Defendant objects to providing the information requested in subpart (e) because it is burdensome and the information can be obtained directly from the expert. Defendant objects to the detailed information requested in subpart (f) because it is overly broad, unlimited in time and scope, and exceeds the scope of permissible discovery as to experts. Subject to and without waiving the foregoing objections, defendant has not yet designated experts but will supplement this interrogatory response in accordance with the Texas Rules of Civil Procedure. nsa / ws

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.

ANSWER:

- (b) Each and every individual Plaintiff's, (separate and distinct from all other Plaintiffs within the group, alleged damages) injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;

ANSWER:

- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;

ANSWER:

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

ANSWER:

Defendant objects to this interrogatory because it is overly broad, unduly burdensome, and exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, defendant objects to the request that it provide information "separate and distinct" for each plaintiff. Defendant objects to the request that it state the experience and qualifications of witnesses. Subject to and without waiving the foregoing objections, defendant states:

Malcolm Lee Murphy, Jr.
Annette Murphy
William Henry Brandon Murphy
Malcolm Lee Murphy, III
1317 S.E. Second Street
Moore, Oklahoma 73160
(405) 793-1299

Tom Cummings
5500 Northwester
Oklahoma City, Oklahoma

William E. Ware, Jr.
Rockware International Corporation

Dr. Horton Hughes, Deceased
Records c/o Shawnee Medical Center & Hospital
1102 West MacArthur
Shawnee, Oklahoma

Dr. Eugene Rice, Deceased
Records c/o Shawnee Medical Center & Hospital
1102 West MacArthur
Shawnee, Oklahoma

Dr. Jerold D. Kethley
1927 North Union
Shawnee, Oklahoma 74801

Dr. Robert Zumwalt
198 East Washington
Tecumseh, Oklahoma

Plaintiff's Treating Physician and Healthcare Providers
10th Street and Eastern Street (clinic closed)
Oklahoma City, Oklahoma

Dr. James Hanlon, Retired
Records c/o John W. McCarter
900 North Porter, Suite 310
Norman, Oklahoma 73071

Plaintiff's Treating Physician and Healthcare Providers
Records c/o Mercy Health Center
4300 West Memorial
Oklahoma City, Oklahoma

Dr. Jeffrey Waltner
825 East Robinson
Norman, Oklahoma

Dr. Tom Johnson, Retired
Oklahoma City, Oklahoma

Dr. Michael Blue
500 East Robinson
Norman, Oklahoma 73071

Dr. Edward Glinski
6922 South Western
Oklahoma City, Oklahoma 73139

Plaintiff's Treating Physician and Healthcare Providers
Baxter County Regional Hospital
624 Hospital Drive
Mountain Home, Arkansas 72653

Dr. Robert Lambert
825 East Robinson
Norman, Oklahoma

Dr. Marvin Peyton
3366 Northwest Expressway, Building D
Suite 520
Oklahoma City, Oklahoma 72116

Dr. Kyle W. Toal
3366 Northwest Expressway, Building D., Suite 520
Oklahoma City, Oklahoma 73116

Dr. Muhammed Salim
900 North Porter, Suite 207
Norman, Oklahoma 73071

Dr. John W. McCarter
900 North Porter, Suite 310
Norman, Oklahoma 73071

Dr. James Rick McCurdy
500 East Robinson, Suite 2300
Norman, Oklahoma 73071

Dr. James E. Duncan
1125 North Porter, Suite 300
Norman, Oklahoma 73071

Dr. Marial J. Weber
900 North Porter, Suite 109
Norman, Oklahoma 73071

Shawnee/Baxter Hospital
Records c/o Shawnee Medical Center & Hospital
1102 West MacArthur
Shawnee, Oklahoma

A.C.H. Clinic & Hospital (closed)
Records c/o Shawnee Medical Center & Hospital
1102 West MacArthur
Shawnee, Oklahoma

"Old" Mercy Hospital
Records c/o Mercy Health Center
4300 West Memorial
Oklahoma City, Oklahoma

Norman Regional Hospital
901 North Porter
Oklahoma City, Oklahoma 73071

Baxter County Regional Hospital
624 Hospital Drive
Mountain Home, Arkansas 72653

INTERROGATORY NO. 62:

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

ANSWER:

Defendant objects that this interrogatory is ambiguous, overly broad, unduly burdensome, and exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure. Further, defendant objects to the request that it identify documents "relevant to each of defendant's enumerated defenses" because such is overly broad, not a proper discovery request, lacks the requisite specificity, and constitutes an impermissible fishing expedition under the Rules. Subject to and without waiving the foregoing objections, defendant will comply with the local standing orders and the Texas Rules of Civil Procedure regarding exhibit lists. *WSA*

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessor-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 "FleischerDrinker" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant

relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. nsa

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 196e;
- C. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and addresses) 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 63(a) above;

- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The interrogatory lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the interrogatory is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. Defendant objects to the inquiry about defendant's "subsidiary or predecessor." Moreover, defendant objects that the interrogatory is unduly burdensome and inappropriate for a corporate defendant. NS

OBJECTIONS TO 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.

RESPONSE:

Defendant objects that the request is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The request lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the request is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. NS

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.

RESPONSE:

Defendant objects that the request is ambiguous, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. The request lacks the level of specificity required by the Texas Rules of Civil Procedure and constitutes an impermissible fishing expedition. Further, defendant objects that the request is not properly limited in time or scope and not limited to the alleged exposure or product at issue in this lawsuit. NS

Respectfully submitted,

GARDERE & WYNNE, L.L.P.

By: 

Joe B. Harrison

State Bar No. 09115500

Joanne Early

State Bar No. 0634650

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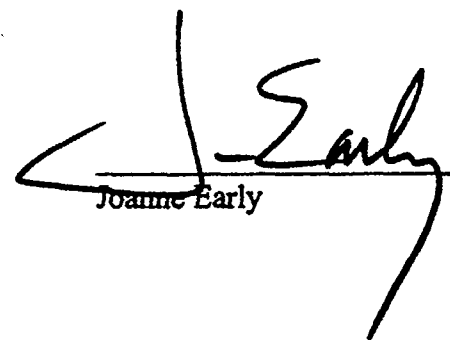
ATTORNEYS FOR DEFENDANT
TUTHILL CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to the following counsel of record by certified mail, return receipt requested on this 20th day of March, 2000:

Russell W. Budd
D. LeAnne Jackson
Baron & Budd
The Centrum
Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

CM/RRR 970 808 385


Joanne Early

GARDERE & WYNNE, L.L.P.

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RIO PANUCO NO. 7

COL. CUAUHTÉMOC

06500 MÉXICO, D. F.

011 (525) 546-8030

March 20, 2000

Earl Bullock, County Clerk
Records Building, Second Floor
509 Main Street
Dallas, Texas 75202

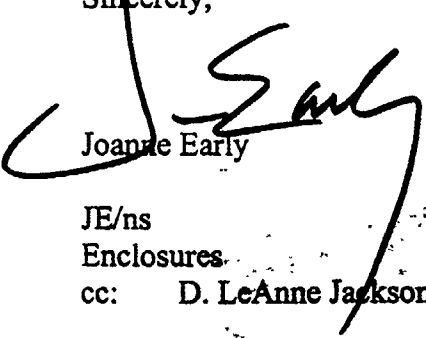
Re: *In Re All Asbestos-Related Cases in Dallas County, Texas*

Dear Mr. Bullock:

Enclosed for filing are the original and one photocopy of Defendant Tuthill Corporation's Objections and Responses to Plaintiffs' Master Interrogatories and Requests for Production. Please acknowledge your receipt and filing of this document by returning the extra copy, bearing your "filed" stamped, to me in the enclosed pre-stamped, self-addressed envelope.

Thank you for your assistance in this matter.

Sincerely,



Joanne Early

JE/ns

Enclosures

cc: D. LeAnne Jackson (CM/RRR P 970 808 385)

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