

NO. 93-03625-I

HELEN GAMBRELL, Individually and)
as the Special Administratrix of)
the Estate of ROBERT GAMBRELL,)
Deceased,)
Plaintiff,)
vs.)
THE ABER COMPANY, ET AL.,)
Defendants.)

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

162ND JUDICIAL DISTRICT

**RESPONSE OF PHELPS DODGE INDUSTRIES, INC.
TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS
FOR PRODUCTION PROPOUNDED TO DEFENDANT**

COMES NOW, Phelps Dodge Industries, Inc., hereinafter "PDI", one of the Defendants in the above-referenced litigation, and provides its response to Plaintiff's First Set Of Interrogatories And Request For Production Of Documents To Defendant, as follows:

Preliminary Comments

Phelps Dodge Industries, Inc. ("PDI")'s predecessor, Phelps Dodge Copper Products Corporation ("PDCPC"), last manufactured any product that contained asbestos years ago. PDCPC no longer exists. Because of these factors and others, PDI has limited information available to it to allow it to answer many of the interrogatories propounded by plaintiffs. Counsel for PDI have not located, obtained and reviewed every document in the possession of PDI and related corporations that may be responsive

are documents stored at facilities throughout the United States that may, or may not be, responsive to these interrogatories, counsel have, instead, attempted to obtain and review documents that are most likely to contain information relevant to the issues of this litigation. Counsel have, therefore, focused their efforts on documents stored at the "Glenwood" Plant in Yonkers, New York, of the former Habirshaw Division of PDCPC, and subsequently operated by PDI and then Cablec and documents stored at the "Bayway" Plant of PDCPC in Elizabeth, New Jersey.

Any substantive response provided herein is based in large measure upon a reasonable review of these documents. Accordingly, PDI does not represent that the responses contained herein provide all the information requested.

GENERAL OBJECTIONS

PDI objects to these discovery requests on the ground that they necessitate the preparation of a summary and/or an audit of the documents of PDI. The burden of preparing such information is substantially the same for plaintiff as it is for PDI. Therefore, PDI will allow plaintiff to inspect PDI's documents that are not subject to a privilege, at the location where they are maintained in the ordinary course of business at a mutually agreeable time. Plaintiff, therefore, will have the same opportunity as PDI to inspect documents responsive to many of plaintiff's discovery requests.

PDI further objects to these discovery requests on the grounds that they are overly broad, unduly burdensome and oppressive, seek information neither relevant to the issues raised by the claims or defenses of any party, and are not reasonably calculated to lead to the discovery of admissible evidence.

PDI further objects to these discovery requests for the reason that many seek information regarding every aspect of PDCPC's manufacture and sale of products over a sixty-year period, and, therefore, they are overly broad, unduly burdensome, oppressive and constitute harassment.

PDI further objects to the discovery requests on the ground that they assume matters not established.

PDI further objects to plaintiff's "Definitions" to the extent that they seek to impose requirements beyond those imposed by the Texas Rules of Civil Procedure. Therefore, in responding to this discovery, PDI will give words their ordinary meaning and answer as required by the Texas Rules of Civil Procedure.

Further, PDI's responses are made without in any way waiving:

a. The right to object, on the grounds of competency, relevancy, materiality, hearsay or any other proper ground, to the use of any such information for any purpose, in whole or in part, in any subsequent stage or proceeding in this action or any other action; or

b. The right to object on any and all grounds, at any time, to any other discovery procedure relating to the subject matter of these requests.

SPECIFIC OBJECTIONS APPLICABLE TO MORE THAN ONE DISCOVERY REQUEST

Many of plaintiffs' discovery requests suffer from the same objectionable form. It would take several pages each time PDI repeated its objections in response to each discovery request. Therefore, in the interests of efficiency, PDI will set forth here those objections, labelled as "Specific Objection Nos. 1-8." Specific Objections that apply will be referenced in the response to specific discovery requests, and by that reference incorporated therein in full.

PDI's Specific Objections are as follows:

1. PDI objects to this discovery request, or a portion thereof, to the extent that it seeks information protected by the attorney-client privilege. PDI does not waive the attorney-client privilege by responding in whole, or in part, to this discovery request.

2. PDI objects to this discovery request, or a portion thereof, to the extent it seeks information protected by the work-product doctrine and/or Texas Rule of Civil Procedure 166b(3)(a). Any response made by PDI in whole, or in part, to this discovery request is done without waiving the work-product doctrine and/or the protections afforded by Texas Rule of Civil Procedure 166b (3)(a).

3. PDI objects to this discovery request because it seeks information that is not in the possession or control of PDI or requires PDI to obtain information from public sources or from entities unrelated to PDI.

4. PDI objects to this discovery request because it seeks information concerning the manufacture or distribution of products in time periods before, or subsequent to, the date plaintiffs allege they were exposed to asbestos and, therefore, it is overly broad, unduly burdensome and oppressive, and seeks information neither relevant to the issues raised by the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence.

5. PDI objects to this discovery request because it is compound, disjunctive, contains impermissible subparts, and/or contains terms that are either vague and undefined or, if defined, contain definitions that conflict with their ordinary meaning and/or seeks to impose additional requirements to PDI's response to the discovery request, and, therefore, it is overly broad and unduly burdensome and oppressive.

6. PDI objects to this discovery request because it requires PDI to identify individual documents and, therefore, it is overly broad and unduly burdensome and oppressive.

7. PDI objects to this discovery request because it seeks information regarding products other than those which plaintiffs allege they were exposed to and, therefore, it is overly broad,

unduly burdensome and oppressive, and seeks information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

8. PDI objects to this discovery request because it is argumentative in that implies, or assumes, that products manufactured by PDI's predecessor were unsafe and/or hazardous, an assumption and allegation that PDI expressly denies.

Without waiving any of its General or Specific Objections, PDI responds as follows:

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1 and 2.

Without waiving these objections, PDI states that these Interrogatories have been answered by PDI with the assistance of its counsel and former PDCPC employees Albert T. McGrath, William J. Daniels, Harry C. Schell and Edgar Dunlaevy.

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.

ANSWER: PDI states that it is a corporation, having been incorporated under the laws of the State of Delaware on December 19, 1966. PDI maintains its corporate headquarters at 2600 North Central Avenue, Phoenix, Arizona 85004. PDI is qualified to do business in the State of Texas. PDI is the successor corporation to Phelps Dodge Copper Products Corporation ("PDCPC"). PDCPC merged with PDI on December 31, 1971.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able

to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever engaged in the "mining and subsequent sale of material containing asbestos fibers." PDI further refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that:

PDI's predecessor, PDCPC, manufactured cable and wire as well as other copper products. PDCPC's Habirshaw Cable and Wire

Division manufactured and distributed insulated cable and wire, including Navy shipboard cable, at its Glenwood Plant. A small percentage of PDCPC-manufactured cable and wire contained encapsulated and/or impregnated chrysotile asbestos. It is believed that such manufacture may have commenced as early as 1934. Prior to July, 1964, shipboard cables, varnished cambric insulated cables and rubber insulated power and control cables were manufactured at the Glenwood Plant. These items were discontinued to fulfill the dual purpose of eliminating unprofitable lines and provide space for an increase in the production of profitable items. PDI's continuing investigation indicates that some orders for other types of insulated cable and wire which contain encapsulated and/or impregnated chrysotile asbestos may have been filled by the Habirshaw Cable and Wire Division into the late 1960s.

PDI is also currently investigating whether the Bayway Plant manufactured shipboard cable that contained encapsulated and/or impregnated chrysotile asbestos. Information obtained thus far indicates that a great majority of the products manufactured at the Bayway Plant were: bare copper wire; non-insulated, stranded copper cable; and copper tubing. PDI is aware that some non-insulated, stranded cable produced at the Bayway Plant for use in Navy shipboard cable was "blocked" with a compound to prevent water leakage through the cable. Some of the different blocking compounds may have contained a small percentage of asbestos.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that its counsel are aware that there are documents stored at facilities throughout the United States that may, or may not be, responsive to this interrogatory, counsel have, instead, attempted to obtain and review documents that are most likely to contain information relevant to the issues of this litigation. Counsel have, therefore, focused their efforts on documents formerly stored at the "Glenwood" Plant in Yonkers, New York, of

the former Habirshaw Division of PDCPC, and subsequently operated by PDI and then Cablec, which documents are presently stored in Arizona, and documents stored at the "Bayway" Plant of PDCPC in Elizabeth, New Jersey.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able

to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever conducted the enumerated tests because no such tests were required or necessary. Further, PDI contends that its products did not pose an asbestos-related health hazard.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on

the grounds that it seeks information protected by the work-product doctrine and Texas Rule of Civil Procedure 166b (3)(a). Without waiving these objections, PDI refers to and incorporates its objections and responses to Interrogatory Nos. 7 and 8. PDI states that it currently believes that neither PDI nor PDCPC ever conducted the tests enumerated in Interrogatory No. 8 because no such tests were required or necessary. However, PDI states that it is aware that the United States Navy, its agents and/or representatives, may have conducted qualification approval tests on cable and wire manufactured pursuant to military specifications. In addition, PDI currently believes that other armed services branches of the United States Government and entities such as Underwriters Laboratories, and others, including individual customers, may have conducted, or may have asked PDI to conduct, performance and/or qualification tests to determine whether the cable or wire conformed with the specifications established by those entities. PDI further states that it currently believes that neither PDI nor PDCPC ever conducted any tests to determine potential health hazards related to any asbestos in its products prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that, in connection with the nationwide asbestos litigation, the following test was conducted on navy shipboard cable samples, one of which was manufactured by PDCPC: Test Chamber Studies on Shipboard

Electrical Cable Handling Operations, submitted by M. Douglas Mueller, CIH, BCM Engineers, Plymouth Meeting, Pennsylvania, February 5, 1993.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 8.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to

determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever conducted the any tests to determine potential health hazards related to any asbestos in its products prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos, because no such tests were required or necessary. PDI further states that, in connection with the nationwide asbestos litigation, the following test was conducted on navy shipboard cable samples, one of which was manufactured by PDCPC: Test Chamber Studies on Shipboard Electrical Cable Handling Operations, submitted by M. Douglas Mueller, CIH, BCM Engineers, Plymouth Meeting, Pennsylvania, February 5, 1993.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it is currently unaware of any studies or literature that prove that cable or wire containing encapsulated and/or impregnated chrysotile asbestos causes any asbestos-related illness.

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. 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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, and assuming Interrogatory No. 13 refers to Interrogatory Nos. 8 and 11, PDI refers to and incorporates its objections and responses to Interrogatory Nos. 8 and 11. PDI further states that it currently believes that neither PDI nor PDCPC ever conducted the any tests to determine potential health hazards related to any asbestos in its products prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos, because no such tests were

required or necessary. Therefore, PDI states that it never made any design changes as a result of such tests. PDI further states that alterations and modifications in its wire and cable products occurred from time to time in response to advances in cable and wire technology and engineering, market place demand, and modifications in specifications established by the Navy and other armed services branches of the United States Government and entities such as the American Institute of Electrical Engineers, National Electric Manufacturers Association, Underwriters Laboratories, and others, including individual customers.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6,

7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and responses to Interrogatory Nos. 6 and 8. PDI further contends that its products did not pose an asbestos-related health hazard. PDI is unaware of any studies or literature that prove that cable or wire containing encapsulated and/or impregnated chrysotile asbestos causes any asbestos-related illness. PDI further states that it currently believes that neither PDI nor PDCPC have ever issued any notice or warning concerning any alleged risks of using its products because no such warnings were required or necessary.

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. 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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the ground that it improperly seeks to require PDI to compile information that is publicly available to plaintiffs. Without waiving these objections, PDI states that its best information, based upon investigation to date, is that neither PDI nor PDCPC ever received notice, before 1970, "that any individual or individuals . . . is or are claiming or has or have claimed an

injury as a result of using asbestos products manufactured and/or sold by [PDI] or any of its predecessors or subsidiaries before 1970."

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, and 7. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, and 7. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the ground that it is overly broad and unduly burdensome to the extent that it purports to request information concerning the acts or knowledge of PDI's or PDCPC's individual employees commencing with a period of manufacture that may have begun as early as 1934. It is virtually impossible to determine the knowledge of individual employees that long in the past and the extent to which any individual's knowledge was communicated, if at all, to any other individual employees. Without waiving these objections, PDI states that it is unaware of any studies or literature that prove that cable or wire containing encapsulated and/or impregnated chrysotile asbestos causes any asbestos-

related illness. PDI further states that it currently believes that neither PDI nor PDCPC were ever advised by any member of the medical profession of the hazards of asbestos prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that tests performed by Maxim Engineers, Inc., Dr. Vittorio K. Argento, P.E., M. Douglas Mueller, CIH, BCM Engineers, and Clayton Environmental Consultants, Inc., establish that the amount, if any, of asbestos fibers released when working with insulated cable and wire are well below the existing exposure standards established by OSHA and ACGIH.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 18.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it is currently aware that PDCPC held membership at various times in the following trade organizations associated with electrical wire and cable products: (1) American Institute of

Electrical Engineers; (2) Copper and Brass Research Association; (3) National Electric Light Association; (4) Institute of Electrical and Electronics Engineers; (5) American Society for Testing and Materials; (6) National Research Council - Division of National Academy of Sciences; (7) Insulated Power Cable Engineers Association; (8) National Electric Manufacturers Association; (9) Edison Electric Institute; (10) American Chemical Society; (11) American Standards Association; (12) International Electrotechnical Commission; (13) Conference Internationale des Grand Reseax Electrique a Haute Tension; and (14) National Association of Corrosion Engineers. PDI further states that it is currently unaware if any or all of the above trade organizations were comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products or whether any of the above trade organizations published or disseminated any documents or information 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.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, and 7. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4. PDI further states that it currently believes that advertising and promotional materials may have been prepared to promote the sale of some of its products, some of which may have contained encapsulated and/or impregnated chrysotile asbestos.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory

No. 18. PDI further states that it currently believes that neither PDI nor PDCPC ever made claims or statements through written or printed materials or instructions relating to the safety or handling of its wire or cable containing encapsulated and/or impregnated chrysotile asbestos. PDI further contends that PDCPC's products did not pose an asbestos-related health hazard. PDI is unaware of any studies or literature that prove that cable or wire containing encapsulated and/or impregnated chrysotile asbestos causes any asbestos-related illness. PDI further states that PDCPC may have prepared written material concerning the application or installation of certain high voltage wire or cable.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it seeks information and/or documents neither relevant to the issues raised by the claims or defenses of any party nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, PDI states that the question of insurance coverage for the claims of plaintiffs is

presently a matter in dispute between PDI and its insurance carriers. Although PDI is in the process of identifying carriers who are or may be liable for the amounts claimed by the plaintiffs, the insurance carriers presently known to PDI who are or may be liable for the amounts claimed by plaintiffs include the following: Liberty Mutual Insurance Company; American Motorist Insurance Company; American Home Insurance Company; National Union Fire Insurance Company of Pittsburgh, Pennsylvania; Certain Underwriters at Lloyd's of London and Certain London Market Insurance Companies; Aetna Casualty & Surety Company; Columbia Casualty Insurance Company; Puritan Insurance Company; Home Insurance Company; and Commercial Union Insurance Company (including its predecessor, Employers Surplus Lines Insurance Company). PDI further states that the above listed carriers generally furnished coverage to PDI or its predecessors, on a primary, umbrella or excess liability coverage basis from perhaps as early as 1930 to the late 1980's at varying coverage levels and subject to varying terms and conditions. PDI is attempting to work out a written funding mechanism with certain of its carriers for defense and indemnity on an interim if not final basis. Thus far, no such written agreement has been finalized. Until such written agreement is finalized, or other resolution of the insurance coverage dispute for these claims is reached, PDI cannot provide the specific and particular information sought in this Interrogatory.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states

that it currently believes that neither PDI nor PDCPC were ever advised of any potential hazardous effects of exposure to asbestos fibers prior to the time PDCPC ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that tests performed by Maxim Engineers, Inc., Dr. Vittorio K. Argento, P.E., M. Douglas Mueller, CIH, BCM Engineers, and Clayton Environmental Consultants, Inc., establish that the amount, if any, of asbestos fibers released when working with insulated cable and wire are well below the existing exposure standards established by OSHA and ACGIH. PDI further states that neither PDI nor PDCPC have ever been advised of any potential hazardous effects of exposure to cable or wire containing encapsulated and/or impregnated chrysotile asbestos.

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. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- C. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- D. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- E. Who is the custodian of such information.
- F. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 25.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 25.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 25.

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.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 25.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing and compiling documents publicly available to plaintiffs. PDI further objects to this Interrogatory on the grounds that it seeks information protected by the work-product doctrine and Texas Rule of Civil Procedure 166b (3)(a). Without waiving these objections, PDI contends its products did not pose an asbestos-related health hazard. PDI is unaware of any studies or literature that prove that cable or wire containing encapsulated and/or impregnated chrysotile asbestos causes any asbestos-related illness. PDI further states that tests conducted by (1)

Maxim Engineers, Inc., Dallas, Texas; (2) Dr. Vittorio K. Argento, Environmental Engineering Services, Duncanville, Texas; (3) M. Douglas Mueller, CIH, BCM Engineers, Inc.; and (4) Clayton Environmental Consultants, Inc., Edison, New Jersey, establish that the amount, if any, of asbestos fibers released when working with insulated cable and wire are well below the existing exposure standards established by OSHA, including the TLVs, and ACGIH. PDI further states that it is not in a position to opine on the possible use and/or exposure to hundreds of other products containing asbestos manufactured by entities unrelated to PDI.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available

to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 6 and 7. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually

agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever had an agreement to "place the brand name of its choice upon the products [of another manufacturer], either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name."

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually

agreeable time from which the requested information might be able to be ascertained.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 32.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the

same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the ground that it seeks confidential business records, may require PDI to violate confidentiality orders, is contrary to public policy, and improperly seeks to require PDI to compile information that is publicly available to plaintiff. Without waiving these objections, PDI states that its best information, based upon investigation to date, is that, prior to 1968, no claim was brought against either PDI or PDCPC, or their worker's compensation carriers, based upon exposure to asbestos fibers.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 1, 2, 3, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that its best information, based upon investigation to date, is that neither PDI nor PDCPC maintained any of the enumerated information prior to the time PDCPC ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 7.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that discovery has not been completed and PDI has not made a decision at this time regarding whether or not company representatives will be called as witnesses at trial. PDI will supplement this information as it becomes available.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 2 and 4.

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory

No. 4. PDI further states that it currently believes that PDCPC's products were generally expected to reach, or were packaged to reach, the consumer or user, without substantial change in the condition in which they were sold.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 4 and 6.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 30.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 30 and 41.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the grounds that it seeks information protected by the work-product doctrine and Texas Rule of Civil Procedure 166b (3)(a). Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4. PDI further

states that it currently believes that neither PDI nor PDCPC ever arranged 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."

INTERROGATORY NO. 46:

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

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 45.

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;

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the

same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever conducted the enumerated tests because no such tests were required or necessary. Further, PDI contends that its products did not pose an asbestos-related health hazard. PDI refers to and incorporates its objections and response to Interrogatory No. 30.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities or such Research Department.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7, and 8. PDI further objects on the ground that this Interrogatory is overly broad and unduly burdensome because it improperly attempts to shift to PDI the burden of reviewing

documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that neither PDI nor PDCPC had a research department specifically designated to asbestos or asbestos-containing products. However, as a manufacturer of cable and wire, PDCPC maintained a research laboratory for the purpose of designing cable and wire to fulfill the technological needs of its customers.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground

that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC maintained a "Medical Department" at any of its facilities prior to the time it ceased to manufacture cable and wire containing encapsulated and/or impregnated chrysotile asbestos. However, a medical doctor and trained nurse were available at the Glenwood Plant at selected times during the 1940's, 1950's and 1960's. These doctors included Dr. C.A. Bennett, Dr. H. Hymes, and Dr. Peacock. PDI further states that it currently believes that neither PDI nor PDCPC were ever advised by any member of the medical profession of the effects of asbestos prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that tests performed by Maxim Engineers, Inc., Dr. Vittorio K. Argento, P.E., M. Douglas Mueller, CIH, BCM Engineers, and Clayton

Environmental Consultants, Inc., establish that the amount, if any, of asbestos fibers released when working with insulated cable and wire are well below the existing exposure standards established by OSHA and ACGIH.

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.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 45.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly

attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4. PDI further states that the vast majority of PDCPC's cable and wire products did not contain any asbestos. PDI further states that PDCPC's use of encapsulated and/or impregnated chrysotile asbestos in certain products could not have been substituted because such wire and cable products were manufactured in accordance with specifications established by the Navy and other armed services branches of the United States Government and entities such as the American Institute of Electrical Engineers, National Electric Manufacturers Association, Underwriters Laboratories, and others, including individual customers.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever recalled "any products containing asbestos from the market or stream of commerce."

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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and responses to Interrogatory Nos. 4 and 52.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 52 and 54.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI states that it currently believes that neither PDI nor PDCPC ever made, ordered, or arranged for any of the enumerated surveys prior to the time it ceased to manufacture cable or wire containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that, in connection with the nationwide asbestos litigation, the following test was conducted on navy shipboard cable samples, one of which was manufactured by PDCPC: Test Chamber Studies on Shipboard Electrical Cable Handling Operations, submitted by M. Douglas Mueller, CIH, BCM Engineers, Plymouth Meeting, Pennsylvania, February 5, 1993.

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.

ANSWER: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 30.

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?

ANSWER: Assuming Interrogatory No. 58 refers to Interrogatory No. 57, PDI refers to and incorporates its objections and response to Interrogatory No. 57.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 30, 47 and 57.

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;
- (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.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 1 of the Response of Phelps Dodge Industries, Inc., To Plaintiff's First Set of Interrogatories and Request for Production of Documents to Defendant, dated May 9, 1994.

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.

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 2 of the Response of Phelps Dodge Industries, Inc., To Plaintiff's First Set of Interrogatories and

Request for Production of Documents to Defendant, dated May 9, 1994.

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: PDI refers to and incorporates its objections and response to Interrogatory No. 3 of the Response of Phelps Dodge Industries, Inc., To Plaintiff's First Set of Interrogatories and Request for Production of Documents to Defendant, dated May 9, 1994.

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(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: PDI objects to this Interrogatory on the grounds stated in the General Objections and Specific Objection Nos. 2, 4, 5, 6, 7 and 8. PDI further objects to this Interrogatory on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiff as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiff for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. Without waiving these objections, PDI refers to and incorporates its objections and responses to Interrogatory Nos. 4, 30 and 47. PDI states that it currently believes that neither PDI nor PDCPC ever became aware of the enumerated information prior to the time it ceased to manufacture wire or cable containing encapsulated and/or impregnated chrysotile asbestos. PDI further states that it is virtually impossible to determine the knowledge of PDI's or PDCPC's individual employees and the extent to which any individual's knowledge was communicated, if at all, to any other individual employees.

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?

ANSWER: PDI refers to and incorporates its objections and response to Interrogatory No. 64.

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: PDI objects to this discovery request on the grounds stated in the General Objections and Specific Objection Nos. 2, 3, 4, 5, 6, 7 and 8. PDI further objects to this Discovery Request on the ground that it is unduly burdensome and oppressive because it improperly attempts to shift to PDI the burden of reviewing documents to determine whether any responsive information exists, and, if so, to compile any responsive information. The burden of ascertaining and compiling such information is substantially the same for plaintiffs as PDI. Pursuant to Rule 167 of the Texas Rules of Civil Procedure, PDI will make its documents available to plaintiffs for inspection at the location where they are maintained in the ordinary course of business at a mutually agreeable time from which the requested information might be able to be ascertained. PDI further objects to this Interrogatory on the ground that it seeks information protected by the work-product doctrine and Texas Rule of Civil Procedure 166b (3)(a). Without waiving these objections, PDI refers to and incorporates its objections and response to Interrogatory No. 4.

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: PDI refers to and incorporates its objections and responses to Interrogatory Nos. 2 and 4, and Request for Production No. 1.

Respectfully submitted,

PATTERSON, LAMBERTY, STANFORD,
WALLS & DWYER
A Professional Corporation
2011 Cedar Springs, Suite 100
P.O.Box 1078
Dallas, Texas 75221-9990
(214) 871-2200
FAX (214) 871-0521

By: John Robinson by *KH*
JOHN R. ROBINSON
State Bar No. 17097500

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to counsel for Plaintiff by ^{hard delivery} ~~regular mail~~, on this the 15th day of July, 1994.

K. Skines
JOHN R. ROBINSON

VERIFICATION

STATE OF ARIZONA)
County of Maricopa) ss

*Original
signed
true & correct*

I, A. D. Luechtefeld, say:

I am a Vice President-Taxes of PHELPS DODGE INDUSTRIES, INC., defendant in this action, and am authorized to make this verification for that reason; I have read the foregoing RESPONSE OF PHELPS DODGE INDUSTRIES, INC., TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION PROPOUNDED TO DEFENDANT, and know its contents; I do not possess personal knowledge of the information contained in the responses and, instead, I answer these interrogatories solely in my capacity as a vice president of Phelps Dodge Industries, Inc.; I am informed and believe, and on that ground allege, that the matters stated in the Response are true.

I declare, under penalty of perjury, under the laws of the State of Texas, that the foregoing verification is true and correct.

Executed this ____ day of _____, 1994, at Phoenix, Arizona.

A. D. Luechtefeld
Vice President
Phelps Dodge Industries, Inc.

SWORN TO AND SUBSCRIBED before me, this ____ day of _____, 1994.

Notary Public

My commission expires:
