

CAUSE NO. E-143,871

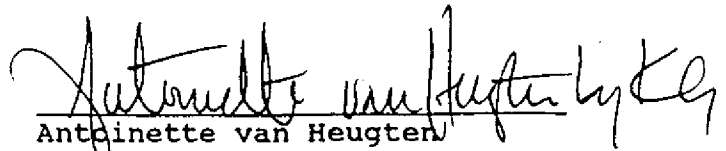
HELEN GAMBRELL, INDIVIDUALLY	\$	IN THE DISTRICT COURT OF
AND AS THE SPECIAL	\$	
ADMINISTRATRIX OF THE ESTATE OF	\$	
ROBERT GAMBRELL, DECEASED,	\$	
	\$	
Plaintiffs,	\$	
	\$	
v.	\$	JEFFERSON COUNTY, TEXAS
	\$	
THE ABER COMPANY, AMERICAN	\$	
ELECTRICAL CABLE, AMERICAN	\$	
INSULATED WIRE, INC.,	\$	
ARMSTRONG WORLD INDUSTRIES,	\$	
INC., CAROL WIRE & CABLE	\$	
(INDIVIDUALLY AND D/B/A CREST	\$	
CO. & MILLER ELECTRIC CO.), CERRO	\$	
WIRE & CABLE CO., INC., ESSEX	\$	
GROUP, FIBREBOARD CORPORATION,	\$	
FLEXITALLIC GASKET COMPANY, INC.,	\$	
THE FLINTKOTE COMPANY, GAF	\$	
CORPORATION, GARLOCK, INC.,	\$	
GENERAL ELECTRIC CO., ITT	\$	
CORPORATION, NATIONAL GYPSUM	\$	
COMPANY, THE OKONITE CO.,	\$	
OWENS-CORNING FIBERGLASS	\$	
CORPORATION, OWENS-ILLINOIS INC.,	\$	
PITTSBURGH CORNING CORPORATION	\$	
ROCK WOOL MANUFACTURING CO. INC.	\$	
MANUFACTURING CO. INC., ROCKBESTOS	\$	
PRODUCTS CO., ROME CABLE CORP.,	\$	
TURNER & NEWALL PLC, USX	\$	
CORPORATION (INDIVIDUALLY AND	\$	
F/D/B/A U.S. STEEL, AMERICAN STEEL	\$	
AND WIRE, U.S. STEEL ELECTRICAL	\$	
CABLE, & TIGER BRAND), UNION	\$	
CARBIDE CHEMICALS & PLASTIC	\$	
COMPANY, UNITED STATES GYPSUM	\$	
COMPANY, W.R. GRACE & COMPANY,	\$	
WESTINGHOUSE ELECTRIC COMPANY,	\$	
	\$	
Defendants.	\$	172ND JUDICIAL DISTRICT

DEFENDANT, CAROL CABLE COMPANY, INC.'S
AMENDED ANSWERS TO PLAINTIFF'S INTERROGATORIES

TO: Russell W. Budd, Esq, Peter A. Kraus, Esq., and Mary E. Skelnik, Esq., Baron & Budd, P.C., 3102 Oak Lawn Ave, Suite 1100, Dallas, Texas 75219, attorneys for the Plaintiffs.

Defendant Carol Cable Company, Inc. provides the following answers to Plaintiff's Interrogatories.

Respectfully submitted,



Antoinette van Heugten

TBN: 20445800

Katja Glockner

TBN: 00785915

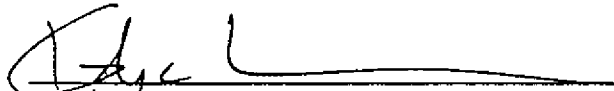
Attorneys in Charge for Defendants
CAROL CABLE COMPANY, INC.

OF COUNSEL:

HAIGHT, GARDNER, POOR & HAVENS
500 Dallas, Suite 3000
Houston, Texas 77002-4709
Tel: (713) 739-9202
Fax: (713) 739-7940

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing instrument was forwarded to Plaintiffs counsel by certified mail, return receipt requested on this 16th day of July, 1994, and to all known counsel of record by cover letter only indicating filing of this action.


Katja Glockner

COUNSEL OF RECORD

William J. Cozort, Jr., Esq.
Rick W. Thamm, Esq.
Beam & Manning
5847 San Felipe, Suite 1500
Houston, Texas 77057

Scott A. Henderson, Esq.
Smith, Smith, Smith
& Henderson
810 S. St. Paul at Cadiz
Dallas, Texas 75201

Charles Green, Esq.
Cowles & Thompson, P.C.
901 Main Street, Suite 4000
Dallas, Texas 75202

Russell W. Budd, Esq.
Peter A. Kraus, Esq.
Mary E. Skelnik, Esq.
Baron & Budd, P.C.
3102 Oak Lawn Ave, Suite 1100
Dallas, Texas 75219

F. Barrett Davis, Esq.
Shelly Glaser, Esq.
Thompson & Knight, P.C.
1700 Pacific Ave, Suite 3300
Dallas, Texas 75201-4693

Peter Moir, Esq.
Baker & Botts, L.L.P.
2001 Ross Ave, Suite 800
Dallas, Texas 75201

Brian Clary, Esq.
Livingston & Markle
55 Waugh Drive, Suite 200
Houston, Texas 77007

James M. Riley, Esq.
Coats, Rose, Yale, Holm,
Ryan & Lee
1001 Fannin, Suite 800
Houston, Texas 77002-6707

Robert D. Barbee, Esq.
Johnson & Gibbs
Founders Square
900 Jackson Street
Dallas, Texas 75202-4499

Gary D. Elliston, Esq.
David W. Crowe, Esq.
DeHay & Elliston, L.L.P.
717 North Harwood, Suite 1500
Dallas, Texas 75201

John L. Hill, Jr., Esq.
Liddell, Sapp, Zivley, Hill
& LaBoon, L.L.P.
3400 Texas Commerce Tower
Houston, Texas 77002

Sandra P. Clark, Esq.
Gene M. Williams, Esq.
Mehaffey, Weber & Gonsoulin
2615 Calder Avenue, Suite 800
Beaumont, Texas 77702

James H. Powers, Esq.
Roberts, Markel, Folger,
& Powers
24 Greenway Plaza, Suite 1010
Houston, Texas 77046

Ray B. Jeffrey, Esq.
Paul J. Holmes, Esq.
James H. Harris, Jr., Esq.
Holmes & Harris, P.C.
550 Fannin, Suite 845
Beaumont, Texas 77701

Stan McMurtry, Esq.
Locke, Purnell, Rain & Harrell
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

W. Neil Ramin, Esq.
Strasburger & Price
4300 NCNB Plaza, 44th Floor
901 Main
Dallas, Texas 75202

Mark Hendrix, Esq.
Robert Thackston, Esq.
Vial, Hamilton, Koch & Knox
1717 Main Street, Suite 4400
Dallas, Texas 75201-3890

Mel Bailey, Esq.
DeHay & Elliston
717 North Harwood St, Suite 1500
Dallas, Texas 75201-6508

R. Lynn Stevens, Esq.
Weller, Wheelus & Green
550 Fannin, 5th Floor
Beaumont, Texas 77701

John T. Ward, Esq.
Brown, McCarrol & Oaks
2727 Allen Parkway, Suite 1300
Houston, Texas 77019

B. Scott Tilley, Esq.
McGuire, Woods & Battle
901 E. Cary Street
Richmond, Virginia 23219

Ned W. Johnson, Esq.
Johnson & Associates
4900 Woodway, Suite 1100
Houston, Texas 77056

William M. Tolin, III, Esq.
Benckenstein, Oxford & Johnson
3533 Calder Street, 3rd Floor
Beaumont, Texas 77704

David G. McCracken, Esq.
Lock, Purnell, Rain & Harrell
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776

Larry Hallman, Esq.
Burford & Ryburn, L.L.P.
3100 Lincoln Plaza
500 N. Akard
Dallas, Texas 75201-3320

Larry D. Grayson, Esq.
C. Vernon Hartline, Jr., Esq.
Hartline, Dacus, Dreyer
& Kern, L.L.P.
2626 Cole Avenue, Suite 800
Dallas, Texas 75204

Debra S. Fitzgerald, Esq.
Hubert Crouch, Esq.
Crouch & Hallet, L.L.P.
717 N. Harwood, Suite 1400
Dallas, Texas 75201

James L. Ware, Esq.
McLeod, Alexander, Powell
& Apffel, P.C.
802 Rosenberg
P. O. Box 629
Galveston, Texas 77553

Kent Sullivan, Esq.
Joseph A. Garnett, Esq.
McFall & Sartwelle, P.C.
909 Fannin, Suite 2500
Houston, Texas 77010-1103

Thomas Dougall, Esq.
Bowers, Orr & Robertson
1401 Main Street, Suite 1100
Columbia, South Carolina 29201

Jay Zelesky, Esq.
Clayton Devin, Esq.
McCauley, MacDonald, Love
& Devin
1201 Elm Street, Suite 3800
Dallas, Texas 75270

Kathy Hermes, Esq.
Patterson, Lamberty, Elly
& Stanford
2011 Cedar Springs, Suite 200
Dallas, Texas 75221

Donald M. Hudgins, Esq.
Sheryl Mulliken Fike, Esq.
James F. Martin, Esq.
Hudgins, Hudgins & Warrick
24 Greenway Plaza, Suite 1007
Houston, Texas 77046

GENERAL OBJECTION

1. Defendant objects to provision of any information and production of any documents covered by the attorney-client privilege or the work product privilege. The following information has been withheld from production:

- (a) All attorney-client privileged communications between defendant's counsel and defendant's agents and representatives.
- (b) All attorney work product created in connection with this litigation and the subject matter of this litigation. Information being withheld pursuant to this privilege includes documents prepared in connection with this lawsuit by defendant, counsel, defendant's agents and representatives at the request of counsel, and agents of counsel.
- (c) Upon request, defendant will provide plaintiff with an itemized list of all documents withheld from production with the exception of all defendant's counsels' attorney-client privilege and work product documents related to and created in connection with plaintiff's demands and this lawsuit because the mere act of listing such documents compromises the attorney-client privilege and work product privilege. These documents would generally consist of research memoranda, attorney notes, letters between counsel, its agents, defendant, and defendant's agents, and file memoranda prepared by counsel.

2. THE FOREGOING GENERAL OBJECTION APPLIES TO PLAINTIFF'S INTERROGATORIES IN THEIR ENTIRETY AND IS TO BE READ INTO EACH ANSWER AND RESPONSE, AS IF FULLY SET OUT THEREIN.

3. AS TO ALL GENERAL AND SPECIFIC OBJECTIONS MADE HEREIN, AND TO THE EXTENT NECESSARY, DEFENDANT REQUESTS THAT THE COURT ISSUE AN APPROPRIATE PROTECTIVE ORDER PURSUANT TO TEX. R. CIV. P. 166b.

AMENDED ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER: Robert Rose, Vice President of Engineering, 249 Roosevelt Avenue, Pawtucket, Rhode Island 02860, employed by Defendant for approximately 13 years.

INTERROGATORY NO. 2: Has Defendant, at any time, engaged in the manufacture of electrical wire products containing asbestos fibers?

ANSWER: No.

INTERROGATORY NO. 5: Has defendant, at any time, engaged in the processing, distributing and/or marketing of material containing asbestos fibers?

ANSWER: No.

INTERROGATORY NO. 6: If the answer to one or more the last three questions is in the affirmative, please state as to each affirmative answer, the following:

- (a) The trade or brand name of each such product mined, manufactured or marketed.
- (b) The dates each such products were placed on the market.
- (c) The dates each of such products were withdrawn from the market.
- (d) A description of the physical (the chemical) composition of each such product, including the type of asbestos contained in each such product (i.e., amosite, chrysotile, tremolite and/or crocidolite) and the quantitative percentage of asbestos in each product.
- (e) A description of the physical appearance of each such product.
- (f) A detailed description of the intended uses of each such product.
- (g) The name of the manufacturer of each such product.

- (h) The mining or milling concern from which the raw asbestos fiber was obtained.

ANSWER: Not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 23: Have you received notice that any other person was claiming injury as a result of using asbestos products manufactured and/or sold by your company (both prior to and subsequent to the filing of this action)?

ANSWER: Objection. The scope of this interrogatory is not limited to the product at issue and is thus overly broad and unduly burdensome. Furthermore, subsequent notices of injuries are irrelevant.

Subject to the foregoing objections, yes.

INTERROGATORY NO. 24: If so, please state:

- (a) The name and address of each claimant.
- (b) The date and notice of each claim.
- (c) A description of the claim (i.e., workmen's compensation, products liability, etc.).
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents the individuals making such claims.
- (f) The style and court number of each claim currently pending.
- (g) The resolution of each claim that has been settled or taken to judgment.

ANSWER: Objection. Defendant Carol Cable Company, Inc. objects to this interrogatory to the extent that it asks for information that is subject to the attorney-client, attorney work product, and party communication privileges and to the extent that it asks for information regarding witness statements or the identity, mental impressions, or opinions of consulting experts. Carol Cable Company, Inc. also objects to the request because it is overly broad, is not calculated to lead to the discovery of admissible evidence, is harrassing, unduly burdensome, and is calculated to cause Carol Cable Company, Inc. to incur unnecessary expense.

INTERROGATORY NO. 25: Do you have any records indicating that any of your products containing asbestos fibers were sold to any of the companies named as co-defendants in this suit?

ANSWER: Defendant Carol Cable Company, Inc. objects to this request because it is overly broad, is not calculated to lead to the discovery of admissible evidence, is harassing, unduly burdensome and calculated to cause Carol Cable Company, Inc. to incur unnecessary expense in that it does not specify the product that plaintiff is claiming caused the damage.

Subject to the foregoing objections, no.

INTERROGATORY NO. 26: If so, please state:

- (a) The name, address, and job classification of each individual who currently has possession of such records.
- (b) Please list the names of each co-defendant to whom your products have been sold.
- (c) Please state the dates of each such sale and the amount and kind of materials sold.
- (d) State whether your company manufactured asbestos containing electrical wire products for a co-defendant but placed said co-defendants labels, containers on said products and list co-defendant.

ANSWER: Defendant Carol Cable Company, Inc. objects to this request because it is overly broad, is not calculated to lead to the discovery of admissible evidence, is harassing, unduly burdensome and calculated to cause Carol Cable Company, Inc. to incur unnecessary expense in that it does not specify the product that plaintiff is claiming caused the damage.

Subject to these objections, this Interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 38: If the answer to Interrogatory No. 3 is no, please state:

- (a) From what sources, if any, did your company obtain asbestos containing electrical cable wire products since 1945.
- (b) Whether any warnings, cautions, caveats or directions accompany the material referred to in (a) and the nature

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and extent of said warnings, cautions, caveats or directions accompanying asbestos materials.

- (c) Approximately what date said warnings, cautions, caveats or directions first appeared on the manufactured asbestos or asbestos material.

ANSWER: Not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 56: Please state the names and addresses of all personnel employed by defendant from 1930 until the present time who functioned as industrial hygienists or toxicologists. As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify and

and extent of said warnings, cautions, caveats or directions accompanying asbestos materials.

- (c) Approximately what date said warnings, cautions, caveats or directions first appeared on the manufactured asbestos or asbestos material.

ANSWER: Not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 56: Please state the names and addresses of all personnel employed by defendant from 1930 until the present time who functioned as industrial hygienists or toxicologists. As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with same. Please state:

- (a) The facility or office to which they were assigned.
(b) Their complete and precise duties and responsibilities.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it is overly broad and unduly burdensome and is calculated to cause Carol Cable Company, Inc. to incur unnecessary expense.

Subject to the foregoing exceptions, this interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 57: Please state if the defendant's medical officers ever made, at any time, any recommendations and/or suggestions to the defendant pertaining to the risks or hazards to persons involved in the manufacturing or use of electrical wire products containing asbestos? If so, please state:

- (a) Where were such recommendations and/or suggestions made?
(b) To whom where were such recommendations and/or suggestions made?
(c) By whom where were such recommendations and/or suggestions made?
(d) The substance of the recommendations and/or suggestions.

ANSWER: Not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 58: Please state the names of trade association periodicals to which the defendant subscribed from 1928 to the

present date. State whether or not the defendant has any knowledge of any articles being printed in industry trade journals, essays, memoranda and other similar sources pertaining to the hazardous potentials of asbestos and which of such articles were received by you.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it is overly broad and unduly burdensome and is calculated to cause Carol Cable Company, Inc. to incur unnecessary expense.

Subject to the foregoing objections, this interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 61: Please state the amounts spent or contributed by the defendant annually from 1936 until the present time for research specifically directed to the relationship, if any, between an electrical worker's exposure to asbestos containing electrical wire products and asbestosis, lung cancer or any other pulmonary disease.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it is overly broad and unduly burdensome and is calculated to cause Carl Wire & Cable to incur unnecessary expense.

Subject to the foregoing objections, this interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 65: Please state the scientific or medical periodicals to which the defendant, its medical department or industrial hygiene division subscribed during the period between 1950 and 1964, specifying the date such subscriptions were begun.

ANSWER: Not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 67: Please state whether any employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state and state the total number of claims filed for the years 1946 to present.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because the claims inquired about are not reasonably similar to the present claim are thus irrelevant.

Subject to the foregoing objections, the answer is no, not to the best of Carol Cable Company, Inc.'s knowledge.

INTERROGATORY NO. 68: Is the defendant a member of the Asbestos Textile Institute? If so, when did it first become a member and list the years inclusively of membership?

ANSWER: No.

INTERROGATORY NO. 71: Has the defendant ever been a member of the Industrial Hygiene Foundation or the Industrial Health Foundation and, if so, state the years inclusively of such membership.

ANSWER: No.

INTERROGATORY NO. 75: Did the defendant sponsor, since 1930, for its employees or distributors any meetings, seminars, conferences, or conventions where the subject of occupational health and exposure to asbestos was discussed?

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it is overly broad and unduly burdensome.

Subject to the foregoing objections, the answer is no.

INTERROGATORY NO. 77: Did the defendant ever warn any labor union representing electrical wire workers or any potential health hazard from use of electrical wire products containing asbestos?

ANSWER: No.

INTERROGATORY NO. 78: If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) The Union.
- (b) How said Union was formed.
- (c) The date and place of said information or warning.
- (d) The content and nature of said warnings.
- (e) The individual or individuals warned.

ANSWER: Not applicable.

INTERROGATORY NO. 88: Please identify all booklets, manuals, journals, and all publications directed from you to customers and users of all asbestos containing electrical wire products and the dates said information was forwarded regarding the proper use and application of your asbestos containing insulation products.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it does not specify the product that plaintiff is claiming caused the damage and discovery on other products is irrelevant.

Subject to the foregoing objections, this interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 89: At any time prior to 1964, were any tests or studies conducted or sponsored by you to determine:

- (a) The level of dust or fiber concentration incident to:
 - (i) cutting or sawing your electrical wire products containing asbestos;
 - (ii) Implacing the production on (1) pipes, (2) boilers;
 - (iii) Tearing down the product during repair and maintenance functions.
- (b) Whether long term (20 years or more) exposure to electrical wire products containing 15% asbestos or less for work periods less than 8 hours a day, both indoors and outdoors, which resulted in the liberation of asbestos dust or fiber below 5 million particles per cubic foot (mppcf) might cause asbestosis or expose such worker to an increased statistical risk of contracting:
 - (i) Bronchogenic cancer;
 - (ii) Mesothelioma (pleural or peritoneal);
 - (iii) Gastrointestinal cancer.

ANSWER: Carol Cable Company, Inc. objects to this interrogatory because it is unclear what plaintiff is asking.

Subject to the foregoing objections, the answer is no.

INTERROGATORY NO. 94: State the date and the source from which you received your first notice and awareness of threshold limit values pertaining to the concentration of airborne asbestos fibers.

ANSWER: Objection. Carol Cable Company, Inc. objects to this interrogatory to the extent that it asks for information subject to the attorney-client, attorney work product and party communication privileges.

Carol Cable Company, Inc. has learned through counsel information regarding threshold limit values pertaining to concentration of airborne asbestos fibers. This information is subject to the attorney-client, attorney work product and party communication privileges. Furthermore, this question is not applicable to Carol Cable Company, Inc. since it did not manufacture asbestos containing products.

INTERROGATORY NO. 95: Describe what action was taken by you prior to 1960 to determine whether wire mechanics who were applying your asbestos containing electrical wire products were exposed to concentrations below the TLV and state the date and nature of each action taken by you.

ANSWER: Not applicable.

INTERROGATORY NO. 96: State your knowledge as to the manner in which your asbestos containing electrical wire products were cut, sawed, fabricated and prepared for application upon job sites since 1940, by asbestos wire mechanics.

ANSWER: Objection. Calls for speculation as Carol Cable Company, Inc. would have no personal knowledge of this.

Subject to the foregoing objection, this interrogatory is not applicable to Carol Cable Company, Inc.

INTERROGATORY NO. 98: Please state whether or not you ever obtained any knowledge concerning the likelihood of asbestos inhalation being hazardous to health and, if so, state when the corporation first learned of the hazardous potential of asbestos and its products. State how the defendant first obtained this knowledge of said hazards and from what source this information was obtained.

ANSWER: Objection. Defendant Carol Cable Company, Inc. objects to this interrogatory because it asks for information that is subject to the attorney-client,

attorney work product, and party communication privileges.

INTERROGATORY NO. 112: Please state the date when you first notified your employees working in your manufacturing plants and factories as to the need to wear and use respirators.

ANSWER: Not applicable.

INTERROGATORY NO. 113: Please state the date when you first notified asbestos wire mechanics applying your asbestos electrical wire products as to the need to wear respirators.

ANSWER: Not applicable.

INTERROGATORY NO. 116: State whether any officers, agents, servants or employees of the defendant has ever testified before any governmental body regarding the possible harmful effects of asbestos exposure. If so, please state:

- (a) When and where such testimony was given.
- (b) Summary of said testimony.
- (c) If recorded and, if so, attach a copy of the answer to these interrogatories.

ANSWER: No.

INTERROGATORY NO. 129: Please state if the defendant intends to assert that it does not or has not manufactured, sold, distributed, or supplied asbestos electrical wire materials to the area including Arkansas, Louisiana, Texas, Oklahoma and Tennessee.

ANSWER: Carol Cable Company, Inc. does not and has not manufactured asbestos-containing products. Carol Cable Company, Inc. has no reason to believe that it ever sold or distributed or supplied asbestos-containing products to the states of Arkansas, Louisiana, Texas, Oklahoma and Tennessee.