

166b. Moreover, the interrogatory seeks legal conclusions without providing a factual or legal foundation for such opinions and imposes upon Defendant the onerous burden of determining what constitutes "relevant facts."

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

ANSWER:

Defendant objects to Interrogatory No. 62 because it is an improper request and exceeds the scope and intent of Texas Rule of Civil Procedure 166b. The interrogatory seeks to invade the attorney work-product, investigative, and third-party communications privileges set forth in Texas Rule of Civil Procedure 166b. Finally, the interrogatory requires Defendant to engage in speculation and conjecture and imposes upon Defendant the onerous burden of determining at this stage what is "relevant" to this cause of action.

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;