

- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Defendant objects to Interrogatory No. 63 to the extent it inquires of "predecessor companies" without identifying or defining such. Moreover, the interrogatory calls for a legal conclusion as to what companies are "predecessors" without setting forth a factual or legal foundation for such an opinion. Further, the interrogatory seeks information which is neither relevant nor material to any issue in this lawsuit and is not reasonably calculated to lead to the discovery of admissible evidence at the trial of this case. The interrogatory also imposes an undue burden upon Defendant by requiring it to determine when any one of hundreds of thousands of current and past employees situated around the country first saw this article. Finally, the interrogatory seeks information which is protected by the attorney work product, investigative and third-party communication privileges set forth in Rule 166b of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, it is likely that some employee received the Fleischer-Drinker article because it is a well-known article, but when it was first received and who received it is unknown.

- 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 1983 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;