



NO. 93-3625-I

HELEN GAMBRELL, INDIVIDUALLY	§	IN THE DISTRICT COURT OF
AND AS THE SPECIAL	§	
ADMINISTRATRIX OF THE	§	
ESTATE OF ROBERT GAMBRELL,	§	
DECEASED	§	DALLAS COUNTY, T E X A S
	§	
V.	§	
	§	
THE ABER COMPANY, ET AL.	§	162ND JUDICIAL DISTRICT

**DEFENDANT THE ROCKBESTOS COMPANY'S (IMPROPERLY NAMED AS
ROCKBESTOS PRODUCTS COMPANY) OBJECTIONS AND
ANSWERS TO PLAINTIFFS' MASTER INTERROGATORIES**

TO: Plaintiff, Helen Gambrell, Individually and as the Special Administratrix of the Estate of Robert Gambrell, Deceased, by and through her attorney of record, Russell W. Budd, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Defendant The Rockbestos Company, incorrectly named in Plaintiff's petition as Rockbestos Products Company, a defunct corporation, files the following objections and answers to Plaintiffs' master interrogatories.

Respectfully submitted,

McFALL & SARTWELLE, P.C.

By: _____


Joseph A. Garnett
State Bar No. 07680600

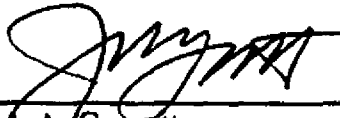
2500 Two Houston Center
909 Fannin Street
Houston, Texas 77010-1003
(713) 951-1000
(713) 951-1199 Telecopier

Attorney for Defendant
The Rockbestos Company

SC-ELEC-10651

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all counsel of record pursuant to Rule 21a of the Texas Rules of Civil Procedure on this 8th day of MARCH, 1994.



Joseph A. Garnett

I:\DATA\UAG\GAMBRELL\ROG-ANS.RPC

GENERAL OBJECTIONS

The Rockbestos Company ("Rockbestos"), incorrectly named in Plaintiff's petition as Rockbestos Products Company, a Delaware corporation with its principal place of business in Connecticut, makes the following general and specific objections to Plaintiffs' interrogatories and Request for Production.

Plaintiff's master interrogatories appear to have been prepared for cases pending generally against thermal insulation manufacturers and not against wire and cable manufacturers. The interrogatories purport to seek information about products manufactured by Rockbestos but is not limited in scope to products allegedly used by plaintiff or allegedly sold to plaintiff's employer during the period of plaintiff's employment. To supply such information without limitation as to time or to product would be extremely and unduly burdensome. The following objections to Plaintiffs' Interrogatories and Request for Production are set forth at the inception of Rockbestos' Answers to these Interrogatories and Request for Production, on the totality of the Interrogatories and Production Requests to be propounded by the Plaintiffs. Within the context of these general objections or specific objections, Rockbestos will attempt to provide Answers to these Interrogatories or parts thereof to the extent the Interrogatory or part thereof is not objectionable in terms of relevancy, scope, content, specificity, or burdensome, whether or not such objection is again herein set forth, and on the basis of reasonable efforts to locate and/or compile responsive information. In so proceeding, Rockbestos does not waive its right to assert any objection to such Interrogatory or Request for Production, including these General

Objections to the totality and/or individual Plaintiffs' Interrogatories or Request for Production, or any parts thereof, including those to which responses have been made. Rockbestos reserves the right to advance such objections and to supplement, modify or amend them at a later time if any effort is made by any party to obtain more specific Answers to these Interrogatories or Request for Production than as herein provided by Rockbestos. On the basis of this foregoing general statement of Objection, these continuing General objections are made to Plaintiffs, Interrogatories and Request for Production;

1. The Interrogatories and Request for Production as drawn are directed to other Defendants without any attempt to tailor or individualize the Interrogatories to obtain information reasonably calculated to lead to the discovery of admissible evidence against Rockbestos. As a result, such generic Interrogatories and Request for Production are irrelevant, overly broad, unduly burdensome and vague and/or otherwise objectionable. Plaintiffs' use of sixty-four separate Interrogatories and Request for Production, many of which have multiple sub-parts, are directed to multiple parties across a spectrum of industrial activity without any attempt to tailor those Interrogatories and Request for Production to obtain relevant particular information from each defendant; each of whose corporate identity, product lines and/or alleged liability involvement is diverse. This is burdensome, harassing, and spreads a correspondingly larger discovery dragnet to blanket all parties, that is not designed to obtain information reasonably calculated to lead to the discovery of admissible evidence against Rockbestos. Accordingly, such discovery is beyond the scope of permissible discovery. Further, in many instances such Interrogatories and Request for Production are inapplicable and totally irrelevant to Rockbestos.

2. Many of the Interrogatories and Request for Production are unreasonably repetitive and, therefore, oppressive and burdensome. The information sought does not appear to be reasonably calculated to lead to the discovery of admissible evidence, all of which is beyond the scope of permissible discovery.

3. Many of the Interrogatories and Request for Production make inquiry concerning information which is beyond the scope of permissible discovery in that a complete response to the Interrogatory and Request for Production would require disclosure of mental impressions of a party's attorney and/or the attorney's conclusions, opinions, memorandums, notes or summaries and/or would require disclosure of a representative of the party's mental impressions, conclusions or opinions regarding the value or merit of a claim or defense or respecting strategy. All of these subjects are beyond the scope of permissible discovery under Texas Rule of Civil Procedure 166b.

Further, such Interrogatories and Request for Production are objectionable in that the scope of inquiry would require disclosure of material that is shielded from discovery by the Privileges attaching to attorney work product and/or confidential attorney-client communications. As a result, these interrogatories are beyond the scope of permissible discovery.

4. Some of the Interrogatories and Request for Production require information which goes beyond the scope of the permissible discovery in that a complete response to the Interrogatory and Request for Production would require providing facts and opinions held by a consulting expert which are not discoverable under Rule 166b.

5. Some of the Interrogatories and Request for Production require information which goes beyond the scope of the permissible discovery in that a complete response to the Interrogatories and Request for Production would require disclosure of confidential financial data, confidential research, trade secrets, development or commercial information, or information otherwise confidential. Further, even if there were adequate confidentiality guidelines in place to protect the interests of Rockbestos from the unauthorized disclosure of such information outside the needs of this litigation, the Interrogatories and Production requested are overly broad in that no attempt has been made to limit the scope of the Interrogatories and Request for Production to any one point in time, to any one cause of action or grouping of causes of action, to limit the scope of the responses to the Interrogatories and Request for Production to any activities which transpired in New York, to confine such responses to having some time and/or place relationship to any alleged exposure of the Plaintiff or plaintiffs to any Rockbestos product.

6. Investigation continues and Rockbestos specifically reserves the right to revise, correct, supplement and amend these answers to Interrogatories and responses to Request for Production.

7. Rockbestos objects to the "Instructions" to the extent that they will attempt to impose a duty greater than that which is imposed by the Texas Rules of Civil Procedure 166b. In addition, Rockbestos objects to the definitions incorporated in Plaintiffs' discovery requests to the extent that they attempt to define words other than their usual and customary meanings.

8. Rockbestos objects to Plaintiffs' Interrogatories and Request for Production to the extent they seek disclosure of confidential, proprietary or commercially sensitive trade secret information.

9. Rockbestos objects to Plaintiffs' Interrogatories and Request for Production to the extent that such Interrogatories and Request for Production purport to call for information already known to Plaintiffs, or available to Plaintiffs from sources other than Rockbestos on the grounds that such Interrogatories are overly broad and burdensome. Specifically, and without limiting the foregoing, Rockbestos objects to Plaintiffs' Interrogatories and Request for Production to the extent that such Interrogatories and Request for Production call for information contained in:

- a. Publicly available scientific or medical journals, books, treatises, textbooks and other compilations;
- b. Publicly available records or files maintained by governmental offices or agencies; and
- c. Documents or records within the Plaintiffs' possession or control.

10. Rockbestos objects to any and all interrogatories insofar as they seek information outside the time period during which Plaintiff is alleged to have worked or inquire about diseases other than allegedly asbestos related diseases on the grounds that they are overly broad and unduly burdensome, and seek information that is neither relevant to any issue in this case, nor reasonably calculated to lead to the discovery of admissible evidence.

11. Rockbestos objects to any and all Interrogatories or Request for Production insofar as they call for the disclosure of material which is subject to the attorney-client privilege, the joint defense privilege, or is protected from discovery because of the work-product doctrine, and/or any other applicable privileges, protections or discovery exemptions.

12. Rockbestos objects to Plaintiff's Interrogatories and Request for Production to the extent they seek "corporate knowledge" inasmuch as it is impossible to set forth the corporate knowledge of all Rockbestos employees, past and present.

The foregoing General objections to Plaintiffs, Interrogatories and Request for Production apply and are incorporated by reference into each and every following Rockbestos answer or response or failure to respond to an Interrogatory or Request for Production or part thereof, as though and as if the same has been set forth therein more fully at length.

Rockbestos does not waive any objection, on any ground, whether or not asserted herein, to the Interrogatories and Request for Production or to the admission of the Interrogatories and answers at trial.

ANSWERS TO INTERROGATORIES

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 responding to these interrogatories.

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome. The answers to these interrogatories are provided based upon conversations with many Rockbestos employees over many years. It would be extremely burdensome, if not impossible, for Rockbestos to identify each and every individual who provided information which went into the preparation of these answers.

Subject to objections, Rockbestos identifies George Littlehales, Rockbestos' Quality Assurance Manager, as responding to these interrogatories on behalf of The Rockbestos Company. Mr. Littlehales' address is c/o The Rockbestos Company, 20 Bradley Park Road, New Haven, Connecticut.

- ✓ 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:

See General Objections which are incorporated herein by reference.

Subject to objections, Rockbestos identifies itself as The Rockbestos Company, a Delaware Corporation organized in 1956 as Cerro Wire & Cable Corp. with its principal place of business now located in East Granby, Connecticut. Rockbestos has previously done business under the name Cerro Wire and Cable Co. Rockbestos presently holds a certificate of authority to do business in Texas. Rockbestos' authorized representative for the purpose of accepting service of process in the State of Texas is United States Corp., 400 N. St Paul, Dallas, Texas 75201.

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:

See General Objections which are incorporated herein by reference.

Subject to objections, Rockbestos states that it never engaged in the mining and subsequent sale of raw asbestos fibers.

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:

See General Objections which are incorporated herein by reference.

Subject to objections, Rockbestos states that it only manufactured and sold wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code and government specifications regarding asbestos. Rockbestos adhered at all times to all applicable and controlling guidelines promulgated by the United States Department of Occupational Health and Safety ("OSHA").

It would be impossible to list each and every wire and cable product containing bonded, saturated and encapsulated chrysotile asbestos which it manufactured. Many Rockbestos' wire and cable products contained no asbestos at all. If the Plaintiff can identify a particular product to which he claims he was exposed and the dates of the alleged exposure, it is possible that additional information might be supplied.

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:

See answer to interrogatory No. 4.

6. If the response 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. It is also objectionable because it seeks the disclosure of confidential trade secret information.

Subject to objections, Rockbestos states that it never mined and sold raw asbestos. Rockbestos only manufactured and sold wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA.

Rockbestos further states that its wire and cable products containing bonded, saturated and encapsulated chrysotile asbestos were designed to be used in applications requiring resistance to extreme conditions such as high temperatures. Their intended use was to conduct electrical current. Rockbestos ceased manufacturing wire and cable containing bonded, saturated and encapsulated chrysotile asbestos in 1986. The reasons for discontinuing their manufacture included advances in technology as well as changes in customer and governmental specifications. If the Plaintiff can identify a specific Rockbestos product to which he

alleges exposure and the date of that exposure, it is possible that additional information might be provided. See also objections and answer to interrogatory Nos. 4 and 22.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. Rockbestos further objects to this interrogatory insofar as it seeks the disclosure of confidential trade secret information. Subject to objections, see answer to interrogatory Nos. 6 and 22.

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 response 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure.

Subject to objections, Rockbestos states that all of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further states that it never participated in or funded any study concerning the alleged health hazards of its wire and cable products, some of which contained bonded, saturated and encapsulated chrysotile asbestos, prior to marketing them. Rockbestos asserts that its products were at all times safe when properly used for their intended purpose and posed no health hazards to persons using them or exposed to them.

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:

See General Objections which are incorporated herein by reference.

See answer to interrogatory No. 6.

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 response 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:

See General Objections which are incorporated herein by reference.

See answer to interrogatory No. 8.

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

See General Objections which are incorporated herein by reference.

Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff claims exposure. Rockbestos subjected its products to numerous tests to ensure quality control and customer satisfaction. If the plaintiff can specify a particular product to which he alleges exposure, it is possible that additional information might be supplied. See also objections and responses to Interrogatory Nos. 6, 59 and 60.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. Rockbestos further objects to this interrogatory insofar as it assumes that Rockbestos' wire and cable products presented a potential health hazard or seeks the disclosure of privileged attorney-client communications or materials otherwise privileged as attorney work-product.

Subject to objections, Rockbestos states that all of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose. If the Plaintiff can identify a specific Rockbestos product to which he alleges exposure and the date of that exposure, it is possible that additional information might be provided. See also objections and answer to interrogatory No. 6.

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 response 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:

See General Objections which are incorporated herein by reference. This interrogatory is also ambiguous and confusing in that it requests information based on its own answer and because interrogatory 10 did not call for the discussion of any test. See also objections to interrogatory 10. Defendant also objects to the overbroad scope of this interrogatory.

See answer to interrogatory No. 10.

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
- 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time, or to a particular product to which the Plaintiff alleges exposure, and directed to companies not a party to this lawsuit.

Subject to objections, Rockbestos states that, although specifically exempted from labeling requirements pursuant to OSHA's exemption for encapsulated products, after December 1, 1979 labels were attached to all Rockbestos wire and cable products containing bonded, saturated and encapsulated chrysotile asbestos. These labels read "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm." The text of this label never changed. See also objections and response to interrogatory No. 6.

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

- A. The name and address of each claimant.

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

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as being overly broad, irrelevant, and not reasonably calculated to lead to admissible evidence.

Subject to objections, Rockbestos states that, to the best of its knowledge, the answer is no.

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

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as it is unlimited in scope as to time or as to a specific product to which the plaintiff alleges exposure. Subject to objections, Rockbestos states that, to the best of its knowledge, its wire and cable products containing bonded, saturated and encapsulated chrysotile asbestos were not sold to any other company that repackaged or relabeled its wire cable products. If the plaintiff can identify a specific product to which he alleges exposure, and the date of the exposure, it is possible that additional information might be supplied. See also objections and answer to interrogatory no. 17.

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:

See General Objections which are incorporated herein by reference. Subject to objections, Rockbestos states that it has sales records of its wire and cable products which contained bonded, saturated and encapsulated chrysotile asbestos only for the years 1981-1986; however, pursuant to federal regulations records of sales to nuclear power plants are maintained for forty years. If the plaintiff will provide additional information concerning the product to which he alleges exposure and the date and location of that exposure, it is possible that additional information might be supplied.

- 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:

See General Objections which are incorporated herein by reference. Subject to objections, Rockbestos states that to the best of its knowledge it never employed a full time physician or hygienist. Rockbestos further states that it only manufactured and sold wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code and government specifications regarding asbestos. Rockbestos adhered at all times to all applicable and controlling guidelines promulgated by OSHA.

- 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory insofar as it seeks discovery of information which is privileged as attorney-client communications or as attorney work-product. Rockbestos further objects to this interrogatory insofar as it seeks information relating to potential health risks to individuals who worked with raw asbestos fiber at plants where wire and cable containing bonded, saturated, and encapsulated chrysotile asbestos were manufactured on the ground that it seeks information which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to objections, Rockbestos states that it never maintained a medical library in which documents of the type described in the interrogatory would be kept. See also objections and answer to interrogatory No. 20.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as being vague in its use of the undefined terms "trade organization" and "association." It is further objectionable as overly broad in that it seeks information concerning publications by these associations without limiting the inquiry to the times during which Rockbestos was a member. Rockbestos further objects to this interrogatory insofar as it seeks information relating to potential health risks to individuals who were exposed to unbonded, unsaturated, and unencapsulated asbestos fiber.

Subject to objections, Rockbestos states that it never mined and marketed raw asbestos fiber. Rockbestos manufactured only wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. Rockbestos further states that it has belonged to the following trade and professional associations many of which, upon information and belief, included among their members businesses which did not manufacture asbestos containing products:

1. National Electrical Manufacturing Association;
2. Insulated Cable Engineers Association;
3. Institute of Electrical and Electronic Engineers;
4. American Society of Testing and Materials Wire Association;
5. American Chemical Society;
6. National Fire Protections Association;
7. Asbestos Information Association (1979-1982);
8. Industrial Hygiene Foundation (1987 - present).

The dates of Rockbestos' membership are not available for organizations 1-6. To the extent that Rockbestos received and maintained documents of any kind from these organizations, those documents would be available for inspection, at reasonable times and upon reasonable notice, at Rockbestos' document storage facility at 285 Nicoll Street, New Haven, Connecticut.

21. Identify by name and location each plant or manufacturing facility in which the products listed in your response 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:

See General Objections which are incorporated herein by reference. Defendant objects to the overbroad scope of this interrogatory. It is not limited in time or product to which Plaintiff alleges exposure.

Subject to these objections, Rockbestos states that its wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos were manufactured at its facility at 285 Nicoll Street, New Haven, Connecticut between 1920 and 1986. From approximately 1975 - 1976, a limited number of Rockbestos' wire and cable products were also manufactured at Rockbestos' facility at 105 Bradley Park Road, East Granby, Connecticut. See also answers to interrogatory Nos. 3-6.

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:

See General Objections which are incorporated herein by reference. Defendant objects to the overbroad scope of this interrogatory. It is not limited in time or product to which Plaintiff alleges exposure, and directed to companies not a party to this case.

Subject to these objections, Rockbestos states that it prepared advertising materials and other printed materials describing the specifications of its wire and cable products, including those wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos. Advertising records are incomplete. To the extent that such records exist, they are located at Rockbestos' document storage facility at 285 Nicoll Street, New Haven, Connecticut where they are available for inspection upon reasonable notice at reasonable times.

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:

See General Objections which are incorporated herein by reference. See also objections and answer to interrogatories Nos. 14 and 22.

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:

See General Objections which are incorporated hereby by reference. Rockbestos specifically objects to this interrogatory to the extent it requests an opinion on insurance coverage.

Subject to objections, Rockbestos states that it contends that it has insurance policies that provide coverage for asbestos-related claims, but the insurers have denied coverage. The coverage issue is currently in litigation.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to the form of this interrogatory as it assumes a connection between inhalation of asbestos fibers, of any type and in any amount, and disease. Further, the interrogatory is beyond the scope of permissible discovery insofar as it seeks legal conclusions and expert medical opinion as to the causation of disease.

Subject to objections, Rockbestos states that it only manufactured and sold wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos and is unaware of any credible scientific evidence regarding the alleged adverse health hazards of those products. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its wire and cable products were at all times safe when properly used for their intended purpose.

26. As to the disease lung cancer, state:

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

- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

See General Objections which are incorporated herein by reference. See also objections and answer to interrogatory 25.

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 as 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:

See General Objections which are incorporated herein by reference. See also objections and answers to interrogatory Nos. 25 and 26.

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:

See General Objections which are incorporated herein by reference. See also objections to interrogatories 25, 26, and 27.

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:

See General Objections which are incorporated herein by reference. See also objections to interrogatories 25, 26, 27 and 28.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to the form of the question in that it assumes that all asbestos containing products pose a potential health hazard to persons working with them or exposed to them. This interrogatory is also objectionable as overly broad as it is not limited in scope to a specific product to which the plaintiff alleges exposure.

Subject to objections, Rockbestos states that it only manufactured and sold wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its wire and cable products were at all times safe when properly used for their intended purpose.

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:

See General Objections which are incorporated herein by reference. Defendant objects to the overbroad scope of this interrogatory because it is unlimited in scope as to time, or as to a product to which the plaintiff alleges exposure, and is directed to companies not a party to this lawsuit.

Subject to objections, Rockbestos states that its wire and cable products were packaged on reels, spools and in boxes. Rockbestos' logo was an hour glass in a circle which often appeared on a tag attached to the wire or on the reel, spool, or on the box containing the product. Rockbestos' name might also appear on this tag as would the product name. If the Plaintiff can identify a specific Rockbestos

product to which he alleges exposure and the date of that exposure, it is possible that additional information might be provided. See also answers to interrogatory Nos. 4 and 14.

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:

See General Objections which are incorporated herein by reference. Rockbestos objects to the overbroad scope of this interrogatory because it is unlimited in scope as to time, or as to a product to which the plaintiff alleges exposure, and is directed to companies not a party to this lawsuit.

Subject to objections, Rockbestos states that, to the best of its knowledge, the answer is 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as being harassing and burdensome as it is unlimited in scope as to time, and directed to companies not a party to this lawsuit.

Subject to objections, Rockbestos states that the below listed manufacturers provided Rockbestos with asbestos tape and raw chrysotile asbestos fiber to be bonded, saturated, and encapsulated into its asbestos containing wire and cable products during the time periods indicated.

1. Raybestos-Manhattan Corp. - supplied Lap, and roving yarn between 1945-1986;
2. Amatex Corp. - supplied roving yarn between 1976-1986;
3. Harco Chemical - supplied cable filler between 1950-1986;
4. Manning Paper Co. - supplied S.A. asbestos tape between 1970-1986;
5. Facile Division of Sun Chemical Corp. - supplied AM asbestos mylar tape between 1970-1986;
6. Johns-Manville Corp. - supplied AM asbestos mylar tape between 1975-1986.

34. Does Defendant or any of its subsidiaries or predecessors 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:

See General Objections which are incorporated herein by reference. See also objections and answer to interrogatory No. 32.

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:

See General Objections which are incorporated herein by reference. Defendant objects that this interrogatory is overbroad in time and scope, invades the privacy rights of individual workers and is directed to companies not a party to this case.

Rockbestos specifically objects to this interrogatory insofar as it seeks information relating to potential health risks to individuals who worked with raw asbestos fiber at plants where wire and cable containing bonded, saturated, and encapsulated chrysotile asbestos were manufactured on the grounds that it is overly broad and seeks information which is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

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:

See General Objections which are incorporated herein by reference. Defendant objects that this interrogatory is overbroad in time and scope, and directed to companies not a party to this case.

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:

See General Objections which are incorporated herein by reference. Defendant objects to answering on behalf of companies not a party to this case.

Subject to objections, Rockbestos states that its answer is 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing, burdensome, overly broad and unlikely to lead to admissible evidence as it is not limited to any specific product to which the Plaintiff alleges exposure or time period during which the exposure is alleged to have occurred. See also objections and answers to interrogatory Nos. 17 and 22.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as being beyond the scope of discovery in that it seeks the trial strategy of counsel.

Subject to objections, Rockbestos states that it has not yet identified those witnesses which it intends to call at trial. Rockbestos reserves the right to identify witnesses which it will call in its defense as allowed by the applicable Rules of Civil Procedure and local rules.

- 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time and is directed to companies not a party to this lawsuit.

Subject to objections, Rockbestos states that it is a successor in interest to the Rockbestos Products Corp. which was organized in Delaware in 1920. Rockbestos further states that the business of the Rockbestos Products Corp., like its own, was the manufacture and sale of wire and cable products containing bonded, saturated and encapsulated chrysotile asbestos. Rockbestos Products Corp.'s principal place of business was 285 Nicoll Street, New Haven, Connecticut.

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:

See General Objections which are incorporated herein by reference. Rockbestos further objects to this interrogatory insofar as it calls for a legal conclusion as to what constitutes "substantial change."

42. For each asbestos-containing product identified in answer 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory insofar as it calls for a legal conclusion. See also objections and answers to interrogatory Nos. 4 and 6.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of the words "liberating" and "applied." It is objectionable as overly broad insofar as it is not limited to a specific product to which the plaintiff alleges exposure, or time of exposure. Additionally, the interrogatory seeks information that is not relevant or calculated to lead to the discovery of admissible evidence.

Subject to objections, Rockbestos states that it manufactured only wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose. See also objections and answer to Interrogatory No. 60.

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:

See General Objections which are incorporated herein by reference. Rockbestos also objects to this interrogatory insofar as it calls for a legal conclusion.

Subject to objections, Rockbestos states that it manufactured only wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose.

45. Before 1970, did you or you 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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of the undefined term "dust level counts". Rockbestos also objects the extent this interrogatory is directed to companies not a party to this case. By responding to this and to other interrogatories Rockbestos neither admits nor agrees that it had a duty to arrange for inspection of job sites where its wire and cable products were being used or installed or to conduct "dust level counts" at those sites.

Subject to these objections, Rockbestos states that to the best of its knowledge, the answer is no. Rockbestos further states that its wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose.

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

ANSWER:

See General Objections which are incorporated herein by reference. See also objections and answer to interrogatory No. 45.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in that it is unlimited in scope as to time or to a specific product to which the plaintiff claims exposure. Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit.

Subject to these objections, Rockbestos states that to the best of its knowledge, the answer is no. Rockbestos further states that its wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose.

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 of such Research Department.

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of the undefined term "research department." Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit.

Subject to these objections and as Rockbestos understands the question, Rockbestos states that it did not have a department which conducted medical research.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of the undefined term "medical department." Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit.

Subject to these objections, Rockbestos states that its answer is 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:

See General Objections which are incorporated herein by reference. Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit. See also objections and answer to interrogatory No. 14.

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:

See General Objections which are incorporated herein by reference. Defendant also objects to the extent this interrogatory is directed to companies not a party to this lawsuit. See also objections and answer to interrogatory No. 31.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit. This interrogatory is also objectionable in that it is overly broad, irrelevant, and not reasonably calculated to lead to admissible evidence. See also objections and answer to interrogatory No. 6.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. Rockbestos also object to the extent this interrogatory is directed to companies not a party to this lawsuit. The interrogatory is also objectionable as vague in that it does not define the term "recall" and is overly broad in that it seeks information concerning the recall of products for any reason and is not limited to recalls caused by the alleged dangers posed by asbestos.

Subject to objections, Rockbestos states that, as it understands the question, it never recalled any of its wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos due to any alleged danger posed by the chrysotile asbestos contained in the product. All of Rockbestos' wire and cable products met the specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA and Rockbestos asserts that its products were at all times safe when properly used for their intended purpose.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is virtually unlimited in scope as to time and is not limited to a particular product to which the plaintiff alleges exposure.

Subject to objections, Rockbestos states that the asbestos containing wire and cable which it manufactured contained only bonded, saturated, and encapsulated chrysotile asbestos. Rockbestos also manufactured wire and cable which did not contain asbestos. The asbestos containing wire was specifically designed for use in applications requiring resistance to extreme conditions such as high temperatures. The suitability of Rockbestos' wire for particular applications was a decision made by individual users who Rockbestos understands were sophisticated consumers of wire and cable products. Whether or not the users chose to install Rockbestos' products containing bonded, saturated, and encapsulated chrysotile asbestos could depend upon a number of variables considered by the user and which may have included cost, the actual temperatures to which the wire would be exposed, government specifications, and the specifications of individual consumers.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as harassing and overly burdensome in that it is unlimited in scope as to time or to a particular product to which the plaintiff alleges exposure. Rockbestos further objects to this interrogatory as being overly broad and not reasonably calculated to lead to admissible evidence. It is also objectionable as vague in its use of the term "performed as intended." See also objections and answers to interrogatory Nos. 52, 53 and 54.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory insofar as it seeks information relating to potential health risks to individuals who worked with raw asbestos fiber at plants where wire and cable containing bonded, saturated, and encapsulated chrysotile asbestos were manufactured on the grounds that it is overly broad and seeks information which is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit. See also objections and answers to interrogatories Nos. 11, 45, 46, 47 and 60.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of an undefined terms "threshold limit values or maximum allowable concentrations." Rockbestos also objects to the extent this interrogatory is directed to companies not a party to this lawsuit. By responding to this and to other interrogatories, Rockbestos neither admits nor agrees that its wire and cable products which contained bonded, saturated, and encapsulated chrysotile asbestos posed any threat to persons using or exposed to them. All of Rockbestos' wire and cable products met the specifications of the National Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose.

58. Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. ~~47~~ for total dust, and not asbestos dust alone?
- #57

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague in its use of the undefined terms "total dust" and "threshold limit values or maximum allowable concentrations." Within this context and subject to these objections, Rockbestos states that, as it reads interrogatory No. 63, it does not inquire about "threshold limit values" or "maximum allowable concentrations".

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

ANSWER:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as vague and ambiguous as it does not define or specify a specific "threshold limit value" ("TLV") against which Rockbestos' products were to be tested nor the government agency or other entity. It is also harassing and burdensome and duplicative of previous interrogatories.

Subject to objections, see objections and answers to interrogatory Nos. 11, 45, 46, 47, 56, and 60.

60. Please state the following with respect to each expert witness you (sic) that you may call during the 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:

See General Objections which are incorporated herein by reference. Rockbestos has not yet identified all of the expert witnesses which it might call to testify at the trial of these cases. Rockbestos reserves the right to identify such witnesses in the future and supplement this answer as allowed by the applicable Court rules and Rules of Civil Procedure governing the disclosure of expert witnesses and opinions held by them.

Within this context and subject to these objections, Rockbestos states that it expects to call the following expert witnesses:

Medical Experts:

1. John E. Craighead, M.D.
Department of Pathology
University of Vermont
Medical Alumni Building
Burlington, Vermont 05405

Dr. Craighead is a specialist in the pathology of occupational lung disease. He is expected to testify concerning the physical aspects of asbestos and its relationship to human health; asbestos-related disease, diagnosis, treatment, prognosis, and epidemiology; the etiology of diseases associated with asbestos exposure; the scientific research concerning our knowledge and understanding of asbestos and asbestos-related disease; fiber types, dose/response and threshold levels needed to produce disease; and the relationship of asbestos exposure to other environmental factors and their comparative risks.

He is also expected to testify that asbestos-containing wire and cable products do not create a health hazard and that any asbestos exposure from these products played no role in the genesis of plaintiffs' lung cancer.

The basis of his opinions is the doctor's research, medical training and experience, and his review of the medical records, scientific literature, expert reports, pathology materials, industrial hygiene data, and employment information.

Environmental and Industrial Hygiene Experts:

1. Vittorio K. Argento, Ph.D., P.E.
Environmental Engineering Services
1225 North Cedar Ridge
Duncanville, Texas 75116

Dr. Argento is employed by Environmental Engineering Services of Duncanville, Texas and holds a Ph.D. and P.E. degree. Dr. Argento is a Professor in the Department of Civil Engineering at the University of Texas at Arlington. Dr. Argento will testify that the reasonably foreseeable use of asbestos-containing wire and cable does not create a health hazard. Dr. Argento will also testify about certain tests of asbestos-containing wire and cable that he helped to set up and conduct in April of 1990 and December of 1991. Copies of those test reports will be provided upon request.

2. Terrance Stobbe, Ph.D.
322 Watts Street
Morgantown, West Virginia 26505

Dr. Stobbe received a Ph.D. degree in industrial engineering from the University of Michigan. Dr. Stobbe is a Professor in the University of West Virginia's graduate program in industrial hygiene. Dr. Stobbe will testify that the reasonable foreseeable use of asbestos-containing wire and cable products does not create a health hazard and that plaintiff's use of these products was not harmful to him.

3. William L. Komianos, CIH, CSP, and
4. Lee R. Schumann, CIH

Mr. Komianos was and Mr. Schumann is employed by Clayton Environmental Consultants of Edison, New Jersey. Both witnesses are certified industrial hygienists who will testify regarding tests which they conducted on October 21, 1993 to determine the potential for an electrician to be exposed to asbestos fibers when working with Rockbestos wire and cable products. In addition to testifying as to their personal education, training, and experience which qualifies them as experts in the field of industrial hygiene, they will testify concerning the composition and physical characteristics of the Rockbestos wire and cable tested, the testing methodology, the applicable standards and guidelines against which asbestos exposure is measured, and the analytical protocols and results of the tests.

Messrs. Komianos and Schumann will also provide their expert opinions, based upon their personal observations of the tests and analysis of test results, that Rockbestos' asbestos-containing wire and cable products do not release asbestos fibers into the work environment in excess of the presently existing OSHA action limits or permissible exposure limits when being cut and stripped in preparation for installation. They will further opine

that Rockbestos' asbestos-containing wire and cable products, when properly used for their intended purposes, do not pose a significant risk to the health of persons, such as electricians, using those products or to other individuals working in close proximity to persons using them.

5. Mr. Dennis Delay.

Mr. Delay is a licensed electrician. He will testify concerning his participation in the aforementioned test of Rockbestos' asbestos-containing wire and cable products, conducted on October 21, 1993, and as to the standard methods, procedures and tools which are utilized by electricians when cutting, stripping and preparing wire and cable for installation at a job site. In addition to testifying as to his education, training and experience as an electrician which qualifies him to provide expert information, Mr. Delay will testify concerning the methods, procedures and tools used by him to cut and strip Rockbestos' asbestos-containing wire during the test and opine that the methods, procedures, and tools utilized by him were standard and typical of the methods, procedures and tools which are utilized by electricians working on job sites.

Pathologists:

1. Philip T. Cagle, M.D.
Pathologist
Baylor College of Medicine
One Baylor Plaza
Houston, Texas 77030-3498

Dr. Cagle's report is attached.

Rockbestos reserves the right to call any additional expert and/or factual witness later identified to all parties.

Other Witnesses:

1. Any and all persons and witnesses, expert or otherwise, named in any witness list by any and all parties named in this suit.
2. Any and all persons named in any discovery filed and any depositions taken in this lawsuit.
3. Rebuttal and impeachment witnesses who need not be listed.
4. Any and all treating physicians disclosed in any party's witness list or later disclosed in the plaintiffs' medical records.

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:

See General Objections which are incorporated herein by reference. Rockbestos specifically objects to this interrogatory as beyond the scope of Texas Rule of Civil Procedure 166b, harassing, and overly burdensome in that it is unlimited in scope as to time and does not identify specific products to which the plaintiff alleges exposure or the damages alleged. It is also objectionable insofar as it seeks information which is privileged by the attorney work-product doctrine and the disclosure of counsel's trial strategy.

Subject to these objections, Rockbestos states that all of the wire and cable manufactured by Rockbestos met the specifications of the national Electrical Code, government specifications regarding asbestos, and all applicable and controlling guidelines promulgated by OSHA. Rockbestos further asserts that its products were at all times safe when properly used for their intended purpose.

Discovery in this matter is ongoing and Rockbestos specifically reserves its right to amend and supplement this answer as allowed by the applicable rules of Court and Civil Procedure.

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:

See General Objections which are incorporated herein by reference. Rockbestos objects to this interrogatory insofar as it is overbroad, vague, ambiguous and seeks the disclosure of counsel's trial strategy and information which is privileged by the attorney work-product doctrine.

Subject to objections, Rockbestos states that it has not yet identified all documents which might be introduced at the time of trial. Discovery in this matter is ongoing and Rockbestos specifically reserves its right to amend and supplement this answer as allowed by the applicable rules of Court and Civil Procedure.

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:

See General Objections which are incorporated herein by reference.

Subject to objections, Rockbestos states that, to the best of its knowledge it never received a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" which is alleged by the plaintiffs to have been published in January 1946 in the Journal of Industrial Hygiene and Toxicology. Rockbestos further states that it never manufactured pipe coverings. Rockbestos only manufactured wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code and government specifications regarding asbestos. Rockbestos adhered at all times to all applicable and controlling guidelines promulgated by OSHA and asserts that its products were at all times safe when used properly and for their intended purpose.

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:

See General Objections which are incorporated herein by reference.

Subject to objections, Rockbestos states that, to the best of its knowledge, it never received a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry which is alleged by the plaintiffs to have been published in 1938 in Public Health Bill No.241, U.S. Public Health Service. Rockbestos further states that it never manufactured asbestos containing textiles. Rockbestos only manufactured wire and cable products containing bonded, saturated, and encapsulated chrysotile asbestos. All of the wire and cable manufactured by Rockbestos met the specifications of the National Electrical Code and government specifications regarding asbestos. Rockbestos adhered at all times to all applicable and controlling guidelines promulgated by OSHA and asserts that its products were at all times safe when used properly and for their intended purpose.

VAGIGAMBRELLI:ROG-ANS.RFC

03-03-94 04:41PM FROM ROC 7TOS F SCHWELM
MCR 08 '94 15:02 MCFALL & SARTWELLE

P03

P.3/4

The Rockbestos Company

By: George Littlehailes
George Littlehailes
Quality Assurance Manager

STATE OF CONNECTICUT § Windsor Locks
COUNTY OF HARTFORD § 3/96

BEFORE ME, the undersigned authority, on this day personally appeared GEORGE LITTLEHAILES, Quality Assurance Manager, The Rockbestos Company, known to me to be the person whose name is subscribed to the foregoing instrument, and after being by me duly sworn, stated under oath that the statements contained in Defendant The Rockbestos Company's (improperly named as Rockbestos Product Company) Answers to Plaintiffs' Master Interrogatories are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 8th day of March, 1994.

Marie L. Nolan
Notary Public in and for
the State of Connecticut

Printed Name: Marie L. Nolan

My Commission Expires: 3/95

1400AM0800LIVERITY.BPC

NO. 93-3625-I

HELEN GAMBRELL, INDIVIDUALLY	§	IN THE DISTRICT COURT OF
AND AS THE SPECIAL	§	
ADMINISTRATRIX OF THE	§	
ESTATE OF ROBERT GAMBRELL,	§	
DECEASED	§	DALLAS COUNTY, T E X A S
	§	
VS.	§	
	§	
THE ABER COMPANY, ET AL	§	162ND JUDICIAL DISTRICT

**DEFENDANTS THE ROCKBESTOS COMPANY'S (IMPROPERLY NAMED AS
ROCKBESTOS PRODUCTS COMPANY) AND CERRO WIRE & CABLE CO., INC.'S
SUPPLEMENTAL ANSWERS TO PLAINTIFF'S MASTER INTERROGATORIES**

TO: Plaintiff, Helen Gambrell, Individually and as the Special Administratrix of the Estate of Robert Gambrell, Deceased, by and through her attorney of record, Mr. Peter A. Kraus, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219

Defendants The Rockbestos Company, incorrectly named in Plaintiff's petition as Rockbestos Products Company, a defunct corporation, and Cerro Wire & Cable Co., Inc. file the following Supplemental Answers to Plaintiff's Master Interrogatories.

Respectfully submitted,

McFALL, SHERWOOD & SHEEHY, P.C.

By

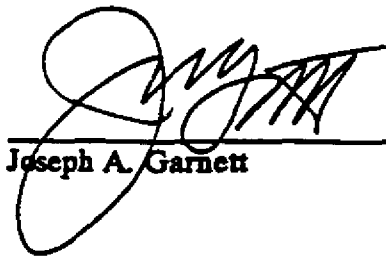

Joseph A. Garnett
State Bar No. 07680600

2500 Two Houston Center
909 Fannin Street
Houston, Texas 77010-1003
(713) 951-1000
(713) 951-1199 Telecopier

Attorneys for Defendants,
The Rockbestos Company and
Cerro Wire & Cable Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all counsel of record pursuant to Rule 21a of the Texas Rules of Civil Procedure on this 24th day of August, 1995.



Joseph A. Garnett

VACVAMBRELLPLEADINGROG-SUP.01

SUPPLEMENTAL ANSWERS TO INTERROGATORIES

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:

Subject to previous objections, The Rockbestos Company and Cerro Wire & Cable Co., Inc. do not anticipate calling a corporate representative as a witness at trial since no fact witness has identified any of these companies' products as a cause of Mr. Gambrell's death. In the unlikely event that such evidence surfaces, these Defendants may call Mr. George Littlehales, Quality Assurance Manager at The Rockbestos Company, as a corporate representative witness.

Mr. George Littlehales
Quality Assurance Manager
The Rockbestos Company
20 Bradley Park Road
East Granby, CT 06026
(203) 653-7264

Mr. Littlehales will testify about the characteristics of both Defendants' products. Defendant Cerro Wire & Cable Co., Inc. may call a corporate representative on the characteristics of its products if necessary. Defendant will identify that corporate representative in the near future.

60. Please state the following with respect to each expert witness you (sic) that you may call during the 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:

See General Objections which are incorporated herein by reference. Within this context and subject to these objections, Defendants state that they expect to call the following expert witnesses in addition to those expert witnesses previously designated:

- 1. Hans Weill, M.D.
Tulane Medical Center
1700 Perdido Street
New Orleans, LA 70112
(504) 586-5250 (Direct Line)
(504) 588-5263 (General Number)

Dr. Weill is a licensed physician and a pulmonary specialist who received his medical degree from Tulane University School of Medicine in 1958. Dr. Weill may testify on "state-of-the-art" regarding the manufacture and use of asbestos-containing products as reflected in his review of medical literature and his personal experience, as to the medical literature regarding asbestos exposure and diseases caused by such exposure, and concerning issues of his specialty as applicable to the medical issues presented by this case. He has been provided with Plaintiff's medical records, deposition, and Plaintiff's responses to interrogatories, requests for production and admissions in this case.

- 2. Elliot Hinkes, M.D.
301 North Prairie Avenue, Suite 311
Inglewood, CA 90301
(310) 674-0050

Dr. Hinkes, M.D. is a licensed physician and an oncologist. He may testify on oncology, cancer and its causes, increased risk of cancer, fear of cancer, and how these concerns may relate to Plaintiff's physical or mental condition and concerning issues of his specialty as applicable to the medical issues presented by this case. He has been provided with Plaintiff's medical records, deposition, and Plaintiff's responses to interrogatories, requests for production and admissions in this case.

3. Ed B. Ilgren, M.D.
830 Montgomery Avenue, Suite 503
Bryn Mawr, PA 19010
(610) 525-5960

Dr. Ilgren is a pathologist and epidemiologist. He may testify regarding the etiology and epidemiology of mesothelioma and asbestos-related disease. He has been provided with Plaintiff's medical records, deposition, and Plaintiff's responses to interrogatories, requests for production and admissions in this case.

4. Victor L. Roggli, M.D.
Duke University Medical Center
Department of Pathology
Box 3712
Durham, NC 27710
(919) 681-3133

Dr. Roggli is a pathologist. He may testify about his review of Plaintiff's medical records and pathological tissue analysis. A copy of Dr. Roggli's report is attached.

5. Charles Blake
Clayton Environmental Consultants, Inc.
Raritan Center
160 Fieldcrest
Edison, NJ 08837
(908) 225-6040

Mr. Charles Blake is employed by Clayton Environmental Consultants of Edison, New Jersey. Mr. Blake will testify regarding tests which were conducted on October 21, 1993 to determine the potential for an electrician to be exposed to asbestos fibers when working with Rockbestos wire and cable products. In addition to testifying as to his personal education, training, and experience which qualifies him as an expert in the field of industrial hygiene, he will testify concerning the composition and physical characteristics of the Rockbestos wire and cable tested, the testing methodology, the applicable standards and guidelines against which asbestos exposure is measured, and the analytical protocols and results of the tests.

Mr. Blake will also provide his expert opinion, based upon personal observations of the tests and analysis of test results, that Rockbestos' asbestos-containing wire and cable products do not release asbestos fibers into the work environment in excess of the presently existing OSHA action limits or permissible exposure limits when being cut and stripped in preparation for installation. He will further opine that Rockbestos' asbestos-containing wire and cable products, when properly used for their intended purposes, do not pose a significant risk to the health of persons, such as electricians, using those products or to other individuals working in close proximity to persons using them.

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:

- A.
 - 1. Perry Veazey
11719 Lee Spring Road
Pine Bluff, Arkansas 79603
(501) 879-0979
 - 2. Paul Hardage
1017 Clairmont Avenue
Sherwood, Arkansas 72116
(501) 835-1432

3. Doug Dorris
10914 Dollarway Road
Pine Bluff, Arkansas 71602
(501) 247-3892
4. Winfrey Wright
5803 Dollarway Road
Pine Bluff, Arkansas 71602
(501) 247-5655
5. Dale Moran
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
6. Ron Hutchinson
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
7. Betty Carlisle
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
8. Keith Conway
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
9. Ronnie James
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985

10. Evelyn Kravitz
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
 11. Sammy Johnson
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
 12. Mike Ray
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
 13. Rick Ramsey
Keathley-Patterson
2814 West 6th
Pine Bluff, Arkansas 71601
(501) 536-6985
- B. See all expert witnesses designated in answer and supplemental answer to interrogatory no. 60. See also answer to No. 61 (A) above.
- C. The medical evidence is that Mr. Gambrell died on a cause unrelated to asbestos exposure. If in the unlikely event Plaintiff raises the inference that asbestos exposure did contribute to Mr. Gambrell's death, then the asbestos exposure came from some other source than Defendants' products. Plaintiff has identified several product identification witnesses who allegedly connect Plaintiff's death to exposure to several asbestos related companies' products. See depositions of these product identification witnesses, including Perry Veazey, Paul Hardage, Doug Dorris, and Winfrey Wright.
- D. All of the witnesses listed in answer to No. 61 (A-C) above would be responsive to this interrogatory.
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:

Subject to previous objections, Dallas County Civil District Court Rule 1.17(b) does not require that a trial exhibit list be submitted until the time required to make an announcement for trial which will be September 21, 1995. Since discovery is ongoing, Defendants do not know what exhibits they intend to use at trial. All documents requested by Plaintiff in discovery have already been produced. It is anticipated that Defendants will rely on the following general list of documents at trial subject to further discovery, trial strategy and Plaintiff's case in chief:

1. Plaintiff's Answers to Master Interrogatories;
2. Plaintiff's Responses to Master Request for Production;
3. All Exhibits to Plaintiff's deposition;
4. All Exhibits to Perry Veazey's deposition;
5. All Exhibits to Paul Hardage's deposition;
6. All Exhibits to Dr. Victor Roggli's deposition;
7. All Exhibits to all defense expert witnesses' depositions taken between the date of these answers to interrogatories and the time of trial;
8. Robert Gambrell's tissue and pathology specimens and slides;
9. All Exhibits to Dr. Phillip T. Cagle's deposition;
10. All documents which show asbestos products, exposure history, etc. from products manufactured and/or sold by any settling Defendant;
11. All Exhibits from Winfrey Wright's deposition;
12. All Exhibits from Doug Dorris's deposition;
13. Plaintiff's answers to The Rockbestos Company's interrogatories;
14. Plaintiff's responses to The Rockbestos Company's request for production;
15. Industrial Hygiene Assessment for Rockbestos cables dated January 31, 1994;
16. Articles relied upon by experts in direct or cross examination, undated;

17. Undated Curriculum Vitae of Defendants' expert witnesses;
18. Undated photographs of products; and
19. Various summary charts of Plaintiff's employment history, documents and products.

VACQAMBRILLPLEADINGROO-SUP.01

DUKE UNIVERSITY MEDICAL CENTER
Department of Pathology
Box 3712
Durham, NC 27710
(919) 681-3133

Patient: GAMBRILL, ROBERT
MRN: (1700) 033593
DOB: 05/20/1953 AGE: 41 YR
SEX: MALE
Copy to: ROGGLY, VICTOR

September 23, 1994

Gregory M. Bevel, Esq.
DeWay and Elliston, LLP
1500 Nexus Energy Tower
717 North Harwood Street
Dallas, TX 75201-6508

Dear Mr. Bevel:

I have completed studies on the materials I received regarding Mr. Robert Francis Gambrell (SVI Medical Center Surgical No. S-1795-92; Autopsy No. A-8-92; Duke Hospital Surgical No. SO-94-16084), and the findings and conclusions are summarized below.

The first specimen, labeled S-1795-92, consisted of six glass slides and two paraffin blocks prepared from a pleural fluid cytology specimen. These show no evidence of malignancy. The second specimen, labeled A-8-92, consisted of 14 glass slides and 12 paraffin blocks prepared from tissue obtained at time of autopsy. These show an epithelial malignancy involving the serosal surface of the intestines and appendix, surface of the spleen, and visceral pleura. Metastases are present within kidney, lung, liver, adrenal glands, and lymph nodes. The tumor cells stain positive for cytokeratins, but negative for Tc-9. Sections of lung parenchyma uninvolved by tumor show alveolar duct fibrosis and alveolar type II cell hyperplasia in a pattern indicative of late progressive adult respiratory distress syndrome (ARDS). No asbestos bodies are identified on hematoxylin and eosin stained sections of lung parenchyma. Other findings at autopsy include patchy myocardial fibrosis, and infarcts of the spleen and kidney.

Additional sections were prepared from one of the paraffin blocks of tumor from the second specimen for further histochemical and immunohistochemical studies. The tumor cells contain intracytoplasmic vacuoles which stain positive with the periodic acid Schiff (PAS) reaction after diastase pretreatment. In addition, intracellular and intraluminal secretions stain positive with the alcian blue stain, which staining was resistant to prior treatment with hyaluronidase. Immunohistochemical studies were performed using the avidin biotinylated complex technique on trypsinized sections. The tumor cells stain strongly positive (4+) for cytokeratins using monoclonal antibodies AE1/AE3 and CAM 5.2, moderately (2+) for carcinoembryonic antigen (CEA), and focally (1+ to 2+) for Leu-M1. No appreciable staining was observed when normal rabbit serum or an irrelevant mouse monoclonal antibody was substituted for immune serum. Positive controls stained appropriately. In addition, sections of lung parenchyma were stained with the Prussian blue stain for iron. No asbestos bodies were observed on histologic sections of lung parenchyma.

The histologic, histochemical, and immunohistochemical features of the tumor at autopsy in this case are those of adenocarcinoma and not mesothelioma. (1) There is no evidence histologically in this case of asbestos related tissue injury or an increased tissue asbestos burden. Therefore, from

Continued on next page...

Page: 1
DATE: 09/23/94 TIME: 1844

Patient: GAMBRILL, ROBERT
MRN: (1700) 033593
Location: PATH

Patient: GAMBELL, ROBERT
 MRN: (1700) 033593
 DOB: 05/20/1933 AGE: 61 YRS
 SEX: MALE
 Copy to: ROOSLI, VICTOR

Victor L. Roggli, M.D.
Victor L. Roggli, MD
Professor of Pathology

09/23/94 15:28

VR : DM Verified by: Victor L. Roggli, M.D.
(Electronic Signature)
Date Signed: 09/23/94

Patient: GAMBRELL, ROBERT
MPO: (1700) 033593
Location: PATH

DURHAM UNIVERSITY MEDICAL CENTER
Department of Pathology
Box 3712
Durham, NC 27710
(919) 681-3133

Patient: GAMBRELL, ROBERT
NUM: (1700) 033893
DOB: 05/20/1953 AGE: 41 YRS
SEX: MALE
Copy to: ROGGLI, VICTOR

SURGICAL PATHOLOGY REPORT

Accession Date: 08/02/94

Pathology Number: 80-94-16084

Gross Examination:
Not provided.

ROGGLI, VICTOR MD

DIAGNOSIS:

SEE PATHOLOGIST'S SIGNATURE BLOCKS BELOW.

VR : DM

Verified by: Victor L. Roggli, M.D.

Date Signed: 08/23/94

** END OF REPORT **

Page: 3
DATE: 09/23/94 TIME: 1844

Patient: GAMBRELL, ROBERT
RX No: (1700) 033893
Location: PATH