

NOV.28.95*

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IN RE: ASBESTOS LITIGATION

§ IN THE DISTRICT COURTS OF
§
§ CAMERON COUNTY, TEXAS

**CSR LIMITED'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO DEFENDANTS**

TO: Plaintiffs, by and through their counsel of record, Russell W. Budd, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Subject to and without waiver of any Special Appearances filed to contest and object to personal jurisdiction, CSR Limited files its Objections and Responses to Plaintiffs' Master Interrogatories (the "Interrogatories") and to Plaintiffs' Master Requests for Production (the "Requests for Production") to Defendants and respectfully shows as follows:

I.

PRELIMINARY STATEMENT

1. Plaintiffs' standard Interrogatories primarily seek information regarding defendants' "asbestos-containing products." CSR, however, did not manufacture, sell, distribute, market, or supply any "asbestos-containing product" either in the United States or to any customer located in the United States. The Interrogatories are, therefore, largely inapplicable to CSR. To the extent the Interrogatories seek information concerning sales of asbestos fiber, they are overbroad and unduly burdensome, seeking information concerning every sale to anyone anywhere in the world at any time over the period of several decades.

2. Because plaintiffs allege that CSR is liable for injuries they allegedly incurred as a result of their purported exposure to finished Manville products

allegedly containing asbestos fiber sold to Manville by CSR, CSR is providing information with respect to sales of raw asbestos fiber made to Johns-Manville by CSR as sales agent for one of its Australian subsidiaries. These sales, however, were made by CSR as sales agent in Australia, and CSR neither had control over the ultimate destination of the fiber sold nor retained any monetary or other interest in it after the sale. The first such sale occurred in 1948, with delivery of the fiber being made by Manville to the United States in 1949. The last such sale which entailed delivery of the fiber to a port on the East Coast of the United States occurred in 1958. The last sale of fiber by CSR as sales agent to Manville occurred in 1966. CSR did not sell fiber to Manville in every year during the 1948-1966 period.

3. CSR's response to any interrogatory is made expressly subject to, and without waiving or intending to waive, any objection such as but not limited to objections as to the competency, relevancy, materiality, privilege, or admissibility of evidence with respect to any of the responses given herein, or the subject matter thereof, in any proceeding, including the trial of any action or in any other subsequent proceeding, in this, as well as any other jurisdiction. Said responses are specifically subject to the right to object to any discovery proceeding involving or related to the subject matter of the Interrogatories responded to herein. CSR's response to any interrogatory is also made expressly subject to and without waiving, or intending to waive, the defense that this court lacks personal jurisdiction over CSR.

4. Moreover, the information sought by the Interrogatories concerns

events that occurred several decades ago, and CSR has not completed investigation of the facts related to plaintiffs' claims. All responses to the Interrogatories are based on information presently known to CSR and are given without prejudice to CSR's right to produce evidence of any subsequently discovered facts.

II.

GENERAL OBJECTIONS

CSR's Answers to these Interrogatories are made subject to, and without waiving, the following General Objections, each of which is incorporated by reference into each of the Answers:

1. CSR objects to each and every Interrogatory to the extent it seeks information regardless of geographical limitation. CSR is an Australian corporation, and information concerning CSR activities in Australia and elsewhere outside the United States that have nothing to do with plaintiffs' purported causes of action are neither relevant to plaintiffs' claims nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, requiring CSR to produce such information would impose an undue burden and hardship upon it.

2. CSR objects to plaintiffs' Instructions and Definitions, as well as to each and every Interrogatory, to the extent they seek to impose upon CSR the burden of responding to the Interrogatories not only with respect to its own activities, but all of those of every CSR subsidiary. These subsidiaries are separate, independent entities, and information in their files is not within the possession, custody or control of CSR within the meaning of the Texas Rules of

Civil Procedure. Moreover, with the exception of the single Australian subsidiary for which CSR acted as sales agent in connection with sales of raw fiber to Johns-Manville for a limited period of time, the activities of these subsidiaries are wholly irrelevant to plaintiffs' claims, and information concerning them is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, requiring CSR to produce such information would impose an undue burden and hardship upon it. Notwithstanding the foregoing, CSR is providing relevant information concerning CSR's activities as sales agent for the sale of raw asbestos fiber mined by its Australian subsidiary.

3. CSR objects to each and every Interrogatory to the extent that it seeks information concerning sales made by CSR as sales agent to any company other than Johns-Manville. CSR has been sued in these cases for injuries allegedly caused by plaintiffs' exposure to finished Manville products purportedly containing asbestos fiber sold to Manville by CSR. Information concerning sales by CSR as sales agent to other companies is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, requiring CSR to produce such information would impose an undue burden and hardship upon it.

4. CSR objects to each and every Interrogatory to the extent that it seeks information concerning activities beyond the time period relevant to plaintiffs' claims. Nevertheless, without waiver of the foregoing objections, CSR is responding to the Interrogatories with respect to the entire period of time for which CSR acted as sales agent for its subsidiary with respect to sales of raw

asbestos fiber to Johns-Manville.

5. CSR objects to each and every Interrogatory to the extent that it seeks information relating to CSR activities prior to 1948, when CSR, as sales agent, first sold fiber to Manville and which was delivered by Manville to the United States in 1949, or after 1966, which was the last year in which raw asbestos fiber was sold by CSR, as sales agent, to Johns-Manville. Information relating to CSR activities prior to 1948 or after 1966 is irrelevant and not calculated to lead to the discovery of admissible evidence. Moreover, requiring CSR to produce such information would impose an undue burden and hardship upon it.

6. CSR objects to each and every Interrogatory to the extent that it seeks information that is equally available to plaintiffs, or which would be duplicative of information already received by plaintiffs, their counsel or co-counsel. Such information includes, without limitation, information already requested and provided pursuant to jurisdictional Interrogatories previously served by plaintiffs and/or their counsel upon CSR, as well as information and documents CSR has previously produced to the law firm of Ness, Motley, Loadholt, Richardson and Poole. Ness, Motley has reviewed and made copies of relevant CSR documents in Australia, and has made copies of them available to their associated counsel.

7. CSR objects to each and every Interrogatory to the extent that it seeks information which is proprietary or constitutes "trade secret" information.

8. CSR objects to each and every Interrogatory to the extent that it is

overly broad, vague, ambiguous and/or unduly burdensome.

9. CSR objects to each and every Interrogatory to the extent that it seeks information which is neither relevant to the subject matter of the plaintiffs' claims against CSR nor reasonably calculated to lead to the discovery of relevant or admissible evidence.

10. CSR objects to each and every Interrogatory to the extent that it purports to impose obligations upon CSR beyond those imposed by the Texas Rules of Civil Procedure.

11. CSR objects to each and every Interrogatory to the extent that it seeks information protected by the attorney-client, work product, or any other applicable privilege, or which CSR has contractual or fiduciary obligations, whether express or implied, to maintain as confidential. CSR further objects to the provision of information which may have come into its hands in the conduct of litigation and which is subject to an implied undertaking as to confidentiality as outlined in the decisions of *Harman v. Secretary of State for the Home Department* [1983] AC 280 and *Ainsworth v. Hanrahan* (1991) 25 NSWLR 155.

The foregoing objections and limitations are part of every answer to the Interrogatories set forth below whether or not expressly inferred to in that answer. All Answers to the Interrogatories set forth below are subject to and without waiving the foregoing objections and/or limitations and any additional objections and/or limitations set forth in response to any individual interrogatory.

III.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

CSR Limited incorporates the foregoing Preliminary Statement and General Objections into its response to each of the following Interrogatories. Subject to and without waiver of those objections, CSR Limited provides the following responses to the Interrogatories.

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

RESPONSE:

CSR refers to and repeats its Preliminary Statement and General Objections as though fully set forth herein. CSR further objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous and unduly burdensome. CSR further objects to this interrogatory on the basis that it seeks information protected by attorney-client, work product and other applicable privileges.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

RESPONSE:

Yes; CSR Limited; New South Wales, Australia; Level 24, 1 O'Connell Street, Sydney, NSW, 2000, Australia; the Company Secretary; No.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Cameron County asbestos litigation.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited answers that it did not engage in the mining and subsequent sale of "material containing asbestos fibers." Rather, it acted as the disclosed sales agent for raw asbestos fiber mined and milled by a subsidiary. The mine was located at Wittenoom, Western Australia and was in operation from 1943 until 1966, although the first shipment of raw asbestos fiber mined and milled by the subsidiary from the Wittenoom mine and consigned by CSR Limited as sales agent to Johns-Manville was shipped from Australia by Johns-Manville and did not reach the United States until 1949. The raw asbestos fiber mined by CSR Limited's subsidiary was crocidolite. CSR Limited objects to the last portion of this Interrogatory because the term "Defendants in the Cameron County asbestos litigation" is vague and ambiguous

and seeks to impose a duty or obligation upon CSR Limited to determine the identity of any defendant in any asbestos litigation ever filed in the past, currently pending or to be filed in the future in Cameron County, Texas, which is not required by the Texas Rules of Civil Procedure.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

RESPONSE:

CSR refers to and repeats its preliminary statement and general objections as though fully set forth herein. CSR further objects to this interrogatory on the grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: None. *See also* response to Interrogatory No. 3.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

RESPONSE:

CSR refers to and repeats its preliminary statement and general objections as though fully set forth herein. CSR further objects to this interrogatory on the grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: None. *See also* response to Interrogatory No. 3.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos containing product.

RESPONSE:

CSR refers to and repeats its preliminary statement and general objections as though fully set forth herein. CSR further objects to this interrogatory on the grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: None.

See also response to Interrogatory No. 3.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is vague and ambiguous and to the extent that it is overbroad, harassing, oppressive, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers as follows: Not applicable. *See also* response to Interrogatory No. 3.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it improperly implies that such tests were required. CSR Limited also objects to this interrogatory because it assumes a disputed legal conclusion with the phrase "placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce." Subject to and without waiver of those objections, CSR Limited responds that it never manufactured or placed any asbestos-containing products into the stream of commerce to or in the United States.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. See response to Interrogatory No. 8.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. See response to Interrogatory No. 8.

INTERROGATORY NO. 11:

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

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it improperly implies that such tests were required. Subject to and

without waiver of those objections, CSR Limited answers that it never manufactured or placed any asbestos-containing products into the stream of commerce of or to the United States.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited further objects to this Interrogatory because it is not reasonably limited to claims asserted against CSR Limited by any of the Plaintiffs and because CSR Limited never manufactured or sold any asbestos-containing products in the United States. Thus, this Interrogatory is vague, ambiguous, overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- A. The names of the products changed or modified.

- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR also objects to this Interrogatory because its references to Interrogatories 10 and 13 render it non-sensical, unintelligible and unanswerable.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be

accessed, i.e., the manner in which such literature is indexed or stored.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it improperly implies that any such "brochures, pamphlets, catalogs, packaging or other written material" was necessary or desirable. CSR further objects to this interrogatory on the grounds that it is neither relevant to the subject matter of this action nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited answers that it never manufactured, sold or distributed any "asbestos containing products" in or to the United States.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts, 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to discovery of admissible evidence.

INTERROGATORY NO. 16:

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

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers that it did not design, manufacture, package, label, market, distribute or sell any "asbestos products" in or to the United States.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: No.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this interrogatory because it is vague, harassing, oppressive, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: No such personnel were employed.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited further objects to this Interrogatory because it is vague, ambiguous, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, harassing, and oppressive. *See* TEX. R. CIV. P. 166b. CSR Limited also objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client communication privilege, the attorney work product doctrine, the party communications privilege, the joint defense privilege, the consulting expert privilege or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.

3. The custodian of such publications.
4. The method or manner in which such publications are maintained.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, unduly burdensome and harassing. *See* TEX. R. CIV. P. 166b. CSR Limited further objects to this Interrogatory to the extent that it calls for information exclusively within the possession, custody or control of third-parties, such as a description of any documents ever "published, written, or disseminated" by organizations not related to CSR Limited. Subject to and without waiver of those objections, CSR Limited answers: No.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to discovery of admissible evidence. CSR responds as follows: None. *See* response to Interrogatory No. 3.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not manufacture, design, market, label, distribute or sell "products containing asbestos" in or to the United States.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and

disclosed to potential consumers.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: No.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this Interrogatory on the grounds that is overly broad and unduly burdensome.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its

subsidiary or predecessor in any written form.

- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for medical expert opinion. In addition, this Interrogatory is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited is not aware of a connection, per se, between asbestos and asbestosis. CSR Limited further answers that it is generally aware of a connection between the medical condition described as asbestosis and the inhalation of asbestos fibers in concentrations over certain levels and over an extended period of time. CSR Limited has no knowledge, information or belief as to when it first became aware of such connection.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for medical expert opinion. In addition, this Interrogatory is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited is not aware of a connection, per se, between asbestos and lung cancer. CSR Limited further answers that it is generally aware of a suggestion in the medical literature of a connection between the medical condition described as lung cancer as a complication of asbestosis. CSR Limited has no knowledge, information or belief as to when it first became aware of such a suggested connection.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for medical expert opinion. In addition, this Interrogatory is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR is not aware of a connection, per se, between asbestos and pleural disease, pleural thickening or pleural plaques. CSR Limited further answers that it is generally aware of a connection between the medical conditions sometimes described as pleural disease, pleural thickening or pleural plaques and the inhalation of asbestos fibers in concentrations over certain levels and over an extended period of time. CSR Limited has no knowledge, information or belief as to when it first became aware of such connection.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for medical expert opinion. In addition, this Interrogatory is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited is not aware of a connection, per se, between asbestos and mesothelioma. CSR Limited further answers that it is generally aware of the suggestion in the medical literature of a connection between the medical condition described as mesothelioma and the inhalation of

asbestos fibers in concentrations over certain levels and over an extended period of time by predisposed people. CSR Limited has no knowledge, information, or belief as to when it first became aware of such connection.

INTERROGATORY NO. 29:

As to gastrointestinal 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for medical expert opinion. In addition, this Interrogatory is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to

and without waiver of those objections, CSR Limited answers that, subject to its answer to Interrogatory No 26, it is not now nor has ever been aware that asbestos and exposure to asbestos can or does cause types of cancer other than lung cancer.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is argumentative and calls for expert opinion. In addition, this Interrogatory is not limited to claims asserted against CSR Limited by any Plaintiffs, to the products to which those Plaintiffs allege exposure or to any products with which CSR Limited is related and, thus, is vague, ambiguous, overbroad, burdensome, harassing, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is an interrogatory better directed to the manufacturers of the asbestos products which the plaintiffs allege contains raw asbestos fibre allegedly supplied by CSR as sales agent. Subject to and without waiver of those objections, CSR Limited answers: the raw asbestos fiber sold by CSR Limited as sales agent was packaged in jute bags. CSR believes the word "asbestos" was imprinted on the packaging of the raw asbestos sold by its sales agent. The markings on the bags were those mandated by the laws of the country to which the asbestos fiber was consigned for delivery.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the

grounds that it is overly broad, neither relevant to the subject matter of this action nor reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiver of those objections, CSR Limited answers: No.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it seeks information regarding any "material" purchased from any other company because it is completely overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: None. *See also* response to Interrogatory Nos. 3 and 6.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: Not applicable.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is overbroad, harassing, oppressive, unduly burdensome, and seeks information which is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it is not limited to Plaintiffs' claims and, thus, is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited answers: the minutes of CSR Limited and of its subsidiary will be produced by way of discovery at a mutually convenient time and location.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.

- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: No.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections,

CSR Limited answers: CSR Limited did not manufacture or sell any asbestos-containing product in the United States. With respect to documents regarding sales by CSR Limited as sales agent of raw fiber in Australia consigned for delivery to certain ports in the United States, CSR Limited answers: Yes. The consignment notes recording the consignment of raw asbestos fiber by CSR Limited as sales agent are held by the CSR subsidiary. CSR further answers as follows:

- A. 1 O'Connell Street, Sydney, Australia
- B. Edwin Anthony Smith, a director of Midalco Pty Limited,
1 O'Connell Street, Sydney, Australia
- C. Hard copy
- D. The consignment notes are kept in number order. That order is chronologically based upon the date of consignment.

INTERROGATORY NO. 39:

Will 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR will disclose the witnesses it expects to call at trial of each case when called for by the applicable pretrial orders.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR responds as follows: No.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that the terms "consumer" and "user" are not defined and are vague and ambiguous. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. CSR Limited did not manufacture, design, package, label, sell or distribute any "asbestos products" in or to the United States.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it calls for pure speculation and guesswork. CSR Limited also objects to this Interrogatory because the term "foreseeable" is either vague and ambiguous or seeks a legal conclusion under American law. CSR Limited further objects to this Interrogatory because it is not limited in time or geography and is not limited or related to Plaintiffs' alleged injuries and, thus, is overbroad, unduly

burdensome, oppressive, harassing, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P.

166b. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. CSR Limited did not design, manufacture, package, label, sell or distribute any "asbestos-containing product" in or to the United States. *See also* response to Interrogatory No. 6.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it calls for an expert opinion and is vague and ambiguous. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. CSR Limited did not design, manufacture, package, label, sell or distribute any "asbestos containing product" in or to the United States.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it calls for an expert opinion and is vague and ambiguous. CSR Limited also objects to this Interrogatory to the extent that it requests CSR Limited to provide a legal conclusion under American law. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing products" in or to the United States.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and is overbroad and harassing. See TEX. R. CIV. P. 166b. CSR Limited further objects to this Interrogatory because the phrase "dust level counts" and the term "products" are unlimited, vague and ambiguous,

and, to the extent that it seeks information regarding testing for airborne materials other than asbestos dust or fibers or products that do not contain asbestos, it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, and unduly burdensome. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any asbestos-containing "products" in or to the United States.

INTERROGATORY NO. 46:

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

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad and harassing. *See* TEX. R. CIV. P. 166b. CSR Limited further objects to this Interrogatory because the phrase "dust level counts" is unlimited, vague and ambiguous, and, to the extent that it seeks information regarding testing for airborne materials other than asbestos dust or fibers, it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, and unduly burdensome. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessors 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;

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad and harassing. CSR Limited further objects to this Interrogatory because it is unlimited in time and scope, the phrase "dust level counts" is vague and ambiguous and because it seeks information regarding testing for airborne materials other than asbestos dust or fibers or to products other than products containing asbestos. Therefore, the Interrogatory is overbroad, unduly burdensome, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any "products" containing asbestos in or to the United States.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessors 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 predecessors spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it relates to items or products not containing asbestos and is unlimited in time and scope and not related or limited to any Plaintiff's claims asserted against CSR Limited because it is overbroad, harassing, oppressive, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. See TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, sell or distribute any "asbestos containing product" in or to the United States. CSR Limited did not have a research department which was concerned with research into any aspects of CSR Limited's role as sales agent for raw asbestos fiber.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it relates to items or products not containing asbestos and is unlimited in time and scope and not related or limited to any Plaintiff's claims asserted against CSR Limited because it is overbroad, harassing, oppressive, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. See TEX. R. CIV. P. 166b. Subject to and without waiver of those objections: No.

INTERROGATORY NO. 50:

Did your company or its predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it improperly implies that any such "statements, labels, instructions, information or visual depiction" was necessary or desirable. CSR further objects to this interrogatory on the grounds that it is neither relevant to the subject

matter of this action nor reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing product" in or to the United States.

INTERROGATORY NO. 51:

Did your company or its predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing products" in or to the United States. CSR believes the word "asbestos" was imprinted on the packaging of the raw asbestos fiber sold by it as sales agent. CSR further states that the packaging was marked in the manner required by the laws of the country to which the asbestos fiber was consigned for delivery.

INTERROGATORY NO. 52:

Has your company, or your predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing products" in or to the United States.

INTERROGATORY NO. 53:

Did your company or its predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited further objects to this Interrogatory to the extent that it implies a duty to recall, which does not exist under Texas law. CSR Limited also objects to this Interrogatory to the extent that it implies that CSR Limited placed "asbestos-containing products" into the stream of commerce of the United States, which it did not. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing products" in or to the United States.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: CSR Limited did not design, manufacture, package, label, distribute or sell "asbestos-containing products" in or to the United States.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited answers: Not applicable. *See also* answers to Interrogatory Nos. 52 and 54.

INTERROGATORY NO. 56:

Did your company or its predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the

grounds that it improperly implies that such tests were required. CSR further objects to this interrogatory on the basis that it seeks information which may be protected by the attorney-client and/or work product privilege. CSR Limited also objects to this interrogatory to the extent that is unlimited in time and scope and not related or limited to any Plaintiff's claims asserted against CSR Limited because it is overbroad, harassing, oppressive, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections: No.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessors 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. CSR further objects to this interrogatory on the grounds that it is vague and ambiguous in that it lacks specificity in many ways, including the time period, the amount of asbestos, the method of manufacture, whether other materials are included in the

composition of the products and whether materials to bind or encapsulate the asbestos fibers are included. CSR further objects to this interrogatory as calling for expert opinion.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR also objects to this Interrogatory because its reference to Interrogatory No. 63 render it non-sensical, unintelligible and unanswerable.

INTERROGATORY NO. 59:

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

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory because it implies and assumes that "threshold limit values" promulgated in the United States applies to asbestos fiber mined, milled or sold in Australia. Subject to and without waiver of those objections, CSR Limited answers as follows: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing products" in or to the United States. See response to Interrogatory No. 57.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR will disclose the experts it expects to call at trial of each case when called for by the applicable pretrial orders.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every

person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure and seeks information protected from discovery by the attorney-client communication privilege, the attorney work product doctrine, the party communication privilege, the joint-defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. CSR Limited further objects to this Interrogatory to the extent that it seeks information beyond the scope of discovery permitted by the Texas Rules of Civil Procedures. CSR Limited also objects to this Interrogatory to the extent that it requests information exclusively within the Plaintiffs' or other third parties'

possession, custody, or control. CSR Limited also objects to this Interrogatory to the extent that it seeks information regarding Plaintiffs who have not asserted claims against CSR Limited. With respect to facts specific to individual Plaintiffs' allegations, CSR Limited answers that information regarding persons who have knowledge of such facts is exclusively within the possession, custody and control of Plaintiffs, is not known to CSR Limited, and discovery of those facts is not complete.

INTERROGATORY NO. 62:

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

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure and seeks information protected from discovery by the attorney-client communication privilege, the attorney work product doctrine, the party communication privilege, the joint-defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR Limited answers: CSR will disclose the evidence it expects to call at trial of each case when called for by the applicable pretrial orders.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessor-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 addresses) 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?

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: CSR has no knowledge, information, or belief as to when, if ever, it became aware of the studies of Drs. Fleisher and Drinker concerning the potential hazards of use of

asbestos-containing products in naval shipyards.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and addresses) 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 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?

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR further objects to this interrogatory on the grounds that it is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of those objections, CSR responds as follows: CSR has no

knowledge, information, or belief as to when, if ever, it became aware of the Dreessen article entitled "A Study of Asbestos in the Asbestos Textile Industry."

INTERROGATORY NO. 65:

Please identify documents or things, including x-rays, MRI's, CT-scans or other materials 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.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure and seeks information protected from discovery by the attorney-client communication privilege, the attorney work product doctrine, the party communication privilege, the joint-defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. CSR also objects to this Interrogatory because it is duplicative of Interrogatory No. 62 and, thus, harassing and oppressive. *See also* response to Interrogatory No. 62.

III.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

CSR Limited incorporates the foregoing Preliminary Statement and General Objections into its response to each of the Requests for Production. Subject to and without waiver of those objections, CSR Limited provides the following responses to the Requests for Production.

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR Limited responds: CSR Limited did not design, manufacture, package, label, distribute or sell any "asbestos-containing product" in or to the United States. *See also* response to Interrogatory No. 4.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. CSR Limited also objects to this Request for Production to the extent that it seeks documents equally available to the Plaintiffs as to CSR Limited. CSR Limited also objects to this Request for Production because it is irrelevant, immaterial, overbroad, harassing, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions or information regarding entities which have no relationship to asbestos or asbestos-containing products or to any of Plaintiffs' alleged injuries or claims against CSR Limited and regarding entities that are legally separate and distinct from CSR Limited and are not parties to this action. *See* TEX. R. CIV. P. 166b.

REQUEST FOR PRODUCTION NO. 3:

Please provide a copy of all documents and other materials and reports identified in Answer to Interrogatory 60 (d), other than Depositions and Medical History provided by Plaintiff.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as though fully set out herein. Subject to and without waiver of those objections, CSR responds that it has not yet determined who, if anyone, it will call to testify as an expert witness. Once that determination has been made, CSR will provide Plaintiffs' counsel with any reports created by its expert witnesses.

REQUEST FOR PRODUCTION NO. 4:

Please provide a copy of all documents and reports other than Depositions and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 60(e).

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as if set forth fully. CSR also objects to this Request for Production because it is duplicative of Request for Production No. 3 and, thus, is harassing and oppressive. See Response to Request for Production No. 3.

REQUEST FOR PRODUCTION NO. 5:

Please provide a copy of all documents, reports, and other materials identified in Answer to Interrogatory No. 62.

RESPONSE:

CSR Limited incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR Limited objects to this Request for Production to the extent that it seeks production of documents that "will be used by Defendant at time of trial" because it is an improper request for the work product of CSR Limited's counsel. *See Texas Tech University Health Sciences Center v. Schild*, 828 S.W.2d 502, 504 (Tex. App.--El Paso 1992, orig. proceeding). Subject to and without waiver of those objections, CSR Limited responds: CSR Limited will make available to Plaintiffs' counsel any documents that will be relied upon at trial of each case when called for by the applicable pretrial orders.

REQUEST FOR PRODUCTION NO. 6:

Please produce any and all x-rays, MRI's CT-scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

RESPONSE:

CSR Limited incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR Limited also objects to this Request for Production because it is vague and ambiguous in use of the phrase "collected by Defendant in the course of discovery." CSR further objects to this Request for Production to the extent that it seeks production of documents protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege, the consulting expert exemption, or any other applicable privilege or

exemption from discovery. *See* Tex. R. Civ. Evid. 503; Tex. R. Civ. P. 166b.

Moreover, CSR Limited objects to this Request for Production to the extent that it seeks production of documents or materials created or prepared by entities not related to CSR Limited that are equally available to Plaintiffs as to CSR Limited "in the course of discovery" because it subjects CSR Limited to unnecessary expense. *See* Tex. R. Civ. P. 166b, 167.

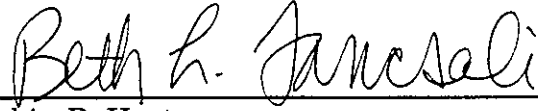
REQUEST FOR PRODUCTION NO. 7:

All documents which support, contradict, or are otherwise relevant to Plaintiffs' claims of exposure to Defendants' products at any worksite identified in Plaintiffs' response to discovery.

RESPONSE:

CSR incorporates its Preliminary Statement and General Objections as if set forth fully. CSR also objects to this Request for Production because it is overbroad, unduly burdensome, vague, ambiguous, harassing and oppressive.

Respectfully submitted,



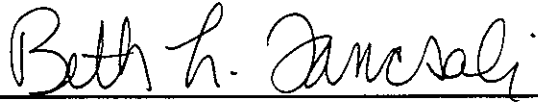
Robin P. Hartmann
State Bar No. 09168000
Beth L. Fancsali
State Bar No. 06800400

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3100 NationsBank Plaza
901 Main Street
Travis, Texas 75202-3789
Telephone: (214) 651-5000
Telecopier: (214) 651-5940

ATTORNEYS FOR DEFENDANT
CSR LIMITED

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been sent to Plaintiffs' counsel of record in accordance with the Texas Rules of Civil Procedure on this 27th day of November, 1995.



Beth L. Fancsali

D-0262429.01

VERIFICATION

COMMONWEALTH OF AUSTRALIA §
§
STATE OF NEW SOUTH WALES §

Edwin Anthony Smith, the Manager Group Financial Reporting for CSR Limited, being duly sworn, says that he has read the foregoing Objections and Responses to Plaintiffs' Master Interrogatories and Requests for Production Propounded to Defendants (the "Interrogatory Responses"), that he is authorized to sign the Interrogatory Responses, that some of the matters stated in the Interrogatory Responses are not necessarily within his personal knowledge, but that there is not an officer or employee of CSR Limited who has personal knowledge of all such matters, and that the facts stated in the Interrogatory Responses were assembled by authorized personnel through a review of CSR Limited documents and are true and correct.



Edwin Anthony Smith

SUBSCRIBED AND SWORN TO BEFORE ME at Sydney, New South Wales, Australia on the 23rd day of November, 1995.

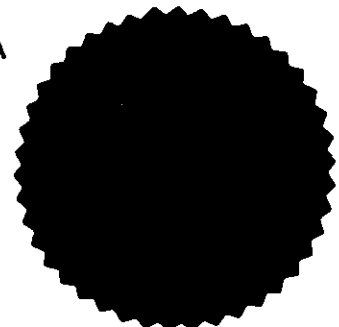


Notary Public
My Commission is Unlimited

ROSS GIOVANELLI
PUBLIC NOTARY
SYDNEY N.S.W AUSTRALIA

(PERSONALIZED SEAL)

D-CAMERON.OBJ



CSR LIMITED'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO DEFENDANTS

