

FILE NAME: Square D (SQD)

DATE: 2014

DOC#: SQD026

DOCUMENT DESCRIPTION: Legal – Deposition of Redfield for Square D –
App#21

**MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
CITY OF ST. LOUIS**

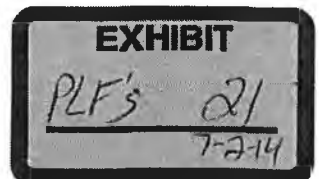
JEFF KOVAR,	)	Case No: 1322-CC01123
	)	
Plaintiff,	)	Division 1
	)	(Asbestos)
v.	)	
	)	
UNION CARBIDE CORPORATION, et al.,	)	PERSONAL INJURY
	)	PRODUCTS LIABILITY
Defendants.	)	JURY TRIAL DEMANDED

**SCHNEIDER ELECTRIC USA, INC.'S,
FORMERLY KNOWN AS SQUARE D COMPANY,
OBJECTIONS TO PLAINTIFF'S NOTICE OF CORPORATE VIDEO DEPOSITION**

Defendant Schneider Electric USA, Inc., formerly known as Square D Company ("Square D"), by counsel, objects to Plaintiff's Notice of Corporate Video Deposition ("Plaintiff's Notice") as follows:

PRELIMINARY STATEMENT

Any testimony provided in response to this notice is based upon the information that is presently known and available to Square D based upon a continuing and ongoing reasonable investigation. Square D believes that these responses are accurate as of the date made. However, many of the matters inquired about in Plaintiff's Notice took place decades ago. Therefore, some information may be incomplete or no longer available due to the passage of time. Although Square D has endeavored to conduct a reasonable investigation, it cannot exclude the possibility that its continued review of these subjects may reveal more complete information. Consequently, Square D's review of the matters inquired into by Plaintiff's Notice continues, and, to the extent appropriate, Square D reserves the right to further supplement or amend its objections and responses.



Square D's Preliminary Statements are incorporated into its objections and statements set forth below.

GENERAL OBJECTIONS

Square D's General Objections are incorporated by reference into the objections and set forth below, and are stated here for the convenience of the parties and the Court.

1. Square D objects to the unlimited scope and breadth of Plaintiff's Notice in that in several instances it is not limited to the relevant time periods at issue in this case. Further, at times, Plaintiff's Notice appears to focus on finished Square D products, which are not relevant to the facts and circumstances of this case.

2. In several instances, Plaintiffs' Notice refers to interchangeable terms such as "Defendant," "You," "Your" and/or "Your Company." Unless otherwise stated, these terms shall be reasonably understood to refer to Schneider Electric USA, Inc., formerly known as Square D Company, a business corporation originally formed in Michigan in approximately 1903 as the McBride Manufacturing Company, which, after successive name changes, became known as Square D Company in approximately 1917 and changed its name to Schneider Electric USA, Inc. on or about December 15, 2009.

3. Square D will provide testimony on its own behalf and for no other entity, including without limitation, any other parent, subsidiary, or affiliated entities.

4. Square D objects to Plaintiff's Notice to the extent it seeks information which is not, and may not have been, within the personal knowledge or possession or control of Square D, its employees, or agents.

5. Square D objects to the extent that Plaintiff's Notice seeks information that is duplicative of discovery requests that Plaintiff has already served on Square D. Plaintiff's

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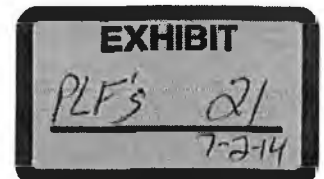
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Notice further seeks the production of documents that Square D previously produced to Plaintiff in this case. Indeed, Square D has previously produced more than 13,000 pages of documents to Plaintiff.

6. Square D objects to any attempt by Plaintiff to obtain testimony regarding documents that Plaintiff has not disclosed in discovery in this case, but claims are relevant. Square D cannot provide a witness to testify regarding any such documents.

7. Square D objects to Plaintiff's Notice to the extent it seeks the production or disclosure of communications prepared by or for Square D's lawyers, which communications (a) were made by or to legal counsel in anticipation of or in connection with litigation, or (b) reflect confidential and privileged communications between or among counsel, representatives of Square D and/or non-testifying experts retained for purposes of assisting Square D or its counsel in litigation. Square D will not produce or disclose such privileged communications; in addition, Square D will not disclose or otherwise identify such privileged communications in response to written discovery or on any listing of documents or things withheld from production.

8. Square D does not concede that any information provided in response to Plaintiff's Notice is admissible evidence at any trial or any other legal proceeding in which evidence is heard. Accordingly, Square D does not waive any objections, on any ground, whether or not asserted herein, to the use of such information at trial.

9. Square D objects to Plaintiff's Notice to the extent that it presumes erroneously and falsely that premises owners, product manufacturers, unions, contractors, employers, governmental agencies, and/or any other persons, possessed a duty or obligation at any time to perform or to undertake the asbestos-related tasks and obligations imposed unilaterally by

Plaintiff's counsel in each request, particularly where such presumptions are improper, inaccurate and made with disregard to historical fact.

10. In responding to Plaintiffs' Notice, Square D does not waive, and expressly preserves the following objections:

- a. all objections regarding competency, relevancy, materiality and admissibility;
- b. all objections regarding the use of the responses in any proceeding; and
- c. all objections to any further interrogatories or other discovery requests involving, or related to, any of the requests in Plaintiffs' Notice.

OBJECTIONS TO PLAINTIFF'S PROPOSED DEPOSITION TOPICS

- A. The use of asbestos or asbestos containing products in and around products manufactured in Square D's Cedar Rapids, Iowa and Columbia, Missouri plants.

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the times at issue in this case. Square D objects to this Request to the extent that it seeks information maintained by third-parties, and not Square D.

- B. The exposure of employees such as Lyle C. Kovar to asbestos or asbestos containing products in Square D's Cedar Rapids, Iowa and Columbia, Missouri plants.

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the times at issue in this case. Square D objects that this Request is overly broad, unduly burdensome, vague and ambiguous in its reference to "employees such as Lyle Kovar." Square D objects to the

extent that this Request erroneously presumes that all employees, regardless of job title, have the same potential exposures to any material.

- C. When Square D first became aware of the hazards associated with exposure to asbestos dust;

RESPONSE: In addition to its foregoing General Objections, Square D also objects that this Request seeks expert testimony and/or legal conclusions. Square D objects that this Request poses an incomplete hypothetical.

- D. Lyle C. Kovar's work responsibilities while an employee of Square D from 1958 through 1995;

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request is overly broad and unduly burdensome in that it seeks testimony beyond the time frame of Plaintiff's alleged exposures in this case.

- E. Lyle C. Kovar's exposure to asbestos dust while employed by Square D from 1958 through 1986;

RESPONSE: In addition to its foregoing General Objections, Square D objects to the extent that this Request calls for speculation. Square D further objects to the extent that this Request may seek expert opinions.

- F. Warnings, cautions, notifications or guidelines provided to employees and customers of Square D from 1958 to 1986 regarding:

1. The hazards and health effects of asbestos exposure; and
2. Recommended practices for working with and around asbestos or asbestos containing products.

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request seeks information which is not related to the facts and circumstances of this case. Square D further objects that this Request, as stated, is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

- G. Systems, policies, procedures, equipment, or practices implemented by Square D to minimize, eliminate or monitor employee exposure to asbestos or asbestos containing products at your Cedar Rapids, Iowa and Columbia, Missouri plants.

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the relevant time periods. Square D further objects that this Request is compound.

- H. Any and all asbestos abatement efforts performed at Square D's Cedar Rapids, Iowa and Columbia, Missouri plants.

RESPONSE: In addition to its foregoing General Objections, Square D objects that this Request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the relevant time periods.

PLAINTIFFS' PROPOSED DOCUMENT REQUESTS

1. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter A.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter A. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

2. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter B.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter B. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

3. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter C.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter C. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

4. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter D.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter D. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

5. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter E.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter E. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

6. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter F.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter F. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

7. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter G.

RESPONSE: Square D incorporates by reference its General Objections, particularly General Objection No. 5, and its objections to Matter G. Square D further objects that this Request is vague and ambiguous in its use of the phrase "relied upon."

8. All documents reviewed and or relied upon by the Designee(s) in preparation for testimony regarding Matter H.

Respectfully Submitted,

POLSINELLI PC

By: /s/ Anthony L. Springfield

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**ATTORNEYS FOR DEFENDANT
SCHNEIDER ELECTRIC USA, INC.,
FORMERLY KNOWN AS SQUARE D
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on **July 1, 2014**, I electronically filed the foregoing with the City of St. Louis Clerk of the Court by using the Missouri Electronic Document Management System, which will send a notice of electronic filing to the following and to all co-defendants' counsel. This constitutes service of the document(s) for purposes of the Missouri Court Rules of Civil Procedures.

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ATTORNEYS FOR PLAINTIFF(S)

/s/Anthony L. Springfield