

NO. 93-03625-I

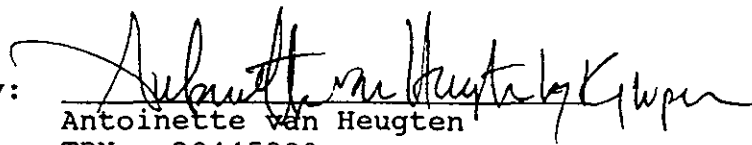
HELEN GAMBRELL, INDIVIDUALLY	\$	IN THE DISTRICT COURT OF
AND AS THE SPECIAL	\$	
ADMINISTRATRIX OF THE	\$	
ESTATE ROBERT GAMBRELL,	\$	
DECEASED,	\$	
	\$	
Plaintiff,	\$	
	\$	
v.	\$	DALLAS COUNTY, T E X A S
	\$	
THE ABER COMPANY, <u>ET AL.</u>	\$	
	\$	
Defendant.	\$	162ND JUDICIAL DISTRICT

DEFENDANT'S AMENDED ANSWERS TO
PLAINTIFF'S SECOND SET OF INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT

TO: Russell W. Budd, Esq., Baron & Budd, A Professional Corporation, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Defendant Carol Cable Company, Inc. provides the following objections, answers and responses to Plaintiff's Second Set of Interrogatories and First Request for Production of Documents to Defendants.

Respectfully submitted,

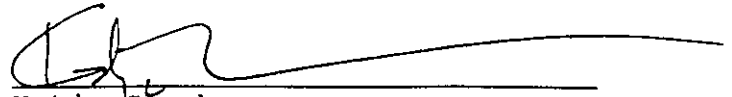
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing instrument was forwarded to Plaintiffs counsel by certified mail, return receipt requested on this 18th day of July, 1994, and to all known counsel of record by cover letter only indicating filing of this action.


Katja Glockner

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GENERAL OBJECTIONS

1. Defendant objects to provision of any information and production of any documents covered by the attorney-client privilege or the work product privilege. The following information has been withheld from production:

- (a) All attorney-client privileged communications between defendant's counsel and defendant's agents and representatives.
- (b) All attorney work product created in connection with this litigation and the subject matter of this litigation. Information being withheld pursuant to this privilege includes documents prepared in connection with this lawsuit by defendant, counsel, defendant's agents and representatives at the request of counsel, and agents of counsel.
- (c) Upon request, defendant will provide plaintiff with an itemized list of all documents withheld from production with the exception of all defendant's counsels' attorney-client privilege and work product documents related to and created in connection with plaintiff's demands and this lawsuit because the mere act of listing such documents compromises the attorney-client privilege and work product privilege. These documents would generally consist of research memoranda, attorney notes, letters between counsel, its agents, defendant, and defendant's agents, and file memoranda prepared by counsel.

THE FOREGOING GENERAL OBJECTION APPLIES TO PLAINTIFF'S INTERROGATORIES IN THEIR ENTIRETY AND IS TO BE READ INTO EACH ANSWER AND RESPONSE, AS IF FULLY SET OUT THEREIN.

2. AS TO ALL GENERAL AND SPECIFIC OBJECTIONS MADE HEREIN, AND TO THE EXTENT NECESSARY, DEFENDANT REQUESTS THAT THE COURT ISSUE AN APPROPRIATE PROTECTIVE ORDER PURSUANT TO TEX. R. CIV. P. 166b.

AMENDED ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: As to each and every Plaintiff within this consolidated action, please state the following with respect to each expert witness you may call during trial of this case. Please designate with specificity the expert witnesses that you may call in each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.

- (a) The name, address, and job classification of each such expert witness;

ANSWER: Defendant has yet to determine which expert witness or witnesses it may call during the trial of this case; Defendant will supplement its answer to this Interrogatory upon such determination.

- (b) The subject matter on which the expert is expected to testify, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER: Not applicable; see Defendant's Answer to Interrogatory No. 1(a).

- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER: Not applicable; see Defendant's Answer to Interrogatory No. 1(a).

- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER: Not applicable; see Defendant's Answer to Interrogatory No. 1(a).

- (e) Identify all documents or other materials, including but not limited to x-rays, pathology, CT-Scans, you have provided to each person identified in response to subparagraph (a) above, specific as to each individual

injuries and/or damages;

ANSWER: Unknown at present.

(d) each of Defendant's defenses enumerated in Defendant's last filed Answer.

ANSWER: Objection. Defendant objects to this Interrogatory to the extent that it may request information that is privileged under the attorney-client privilege or attorney work-product doctrine. Subject to the foregoing objection, unknown at present.

INTERROGATORY NO. 3: Please identify documents or things, including x-rays, MRIs, 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.

ANSWER: Objection. Defendant objects to this Interrogatory to the extent that it requests information that is privileged under the attorney-client privilege or the attorney work-product doctrine. Subject to the foregoing objection, Defendant incorporates by reference thereto as if set forth fully herein its response to Plaintiff's Interrogatory No. 1(e).

Plaintiff's case, separate and distinct from all other Plaintiffs within the group;

ANSWER: Defendant is unable to ascertain which documents or other materials it will provide to its experts. As discovery continues, Defendant will supplement its response to this Interrogatory.

- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER: Not applicable; see Defendant's Answer to Interrogatory No. 1(a).

INTERROGATORY NO. 2: 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 this case 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.

ANSWER: Unknown at present.

- (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;

ANSWER: At present, Defendant is only aware of Plaintiff's Decedent. However, as discovery continues, Defendant will supplement its response to this Interrogatory.

- (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

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please provide a copy of all documents and other materials, other than Depositions and Medical History provided by Plaintiff, and reports identified in Answer to Interrogatory No. 1(d).

ANSWER: Not applicable.

REQUEST FOR PRODUCTION NO. 2: Please provide a copy of all documents and reports other than Depositions and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 1(e).

ANSWER: Not applicable.

REQUEST FOR PRODUCTION NO. 3: Please provide a copy of all documents, reports and other materials identified in Answer to Interrogatory No. 3.

ANSWER: Not applicable.

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