

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

PLAINTIFF'S
EXHIBIT
GF-2386

HERMAN B. DOWDY,

Plaintiff,

v.

Civil Action No. 84-0045 (C)

CELOTEX CORPORATION, et al.,

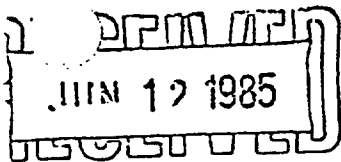
Defendants.

OBJECTIONS AND RESPONSES OF
DEFENDANT GAF CORPORATION TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

The defendant, GAF Corporation, by counsel, for its objections and responses to the plaintiff's request for production of documents previously filed herein, states as follows:

By way of general objection, GAF objects to any request which calls for information which is privileged under attorney-client privilege or is not discoverable under the attorney work product doctrine. With regard to the specific requests, GAF responds as follows:

1. Copies of any and all statements and/or affidavits given by Plaintiff, Plaintiff's witnesses, Defendants' witnesses, or Defendants' attorneys, whether written or



recorded, taped or otherwise, which relate to the matters complained of in the Plaintiff's Complaint and the Answers of the Defendants.

RESPONSE: GAF objects to this interrogatory on the grounds that it calls for information which is clearly protected by the work product doctrine, requests information which is equally available to the plaintiff, is overbroad, and does not otherwise comply with Rule 26 of the Federal Rules of Civil Procedure. Subject to such objection, and without waiving the same, GAF states that it has no statements, etc. of the plaintiff or plaintiff's witnesses which have been identified in plaintiff's answers to interrogatories.

2. Copies of any and all records, written reports, notes, memoranda, pleadings, applications, and any other papers filed, orders, awards, etc., concerning each and every claim made by the Plaintiff in the possession of the Defendants' present and/or former attorneys or other representatives.

RESPONSE: GAF objects to this request on the grounds that it is vague and overbroad and GAF is uncertain as to what information is in fact being requested. GAF further objects on the grounds that this request is not a properly

framed discovery request, calls for information which may be protected from discovery under the work product doctrine, is not reasonably calculated to lead to the discovery of admissible evidence, and appears to call for information which is equally available to the plaintiff. Subject to such objection and without waiving the same, GAF states that it has no such information other than that previously provided by plaintiff, plaintiff's and plaintiff's employer.

3. Copies of any and all medical reports, medical bills, hospital bills, physicians and nurses reports, x-rays, or medical evaluation relative to the Plaintiff's health from birth until the present time obtained by Plaintiff's authorization provided Defendants.

RESPONSE: GAF objects to this request on the grounds that the information requested is equally available to the plaintiff, and it is burdensome for the defendant to produce this information. Subject to such objection, and without waving the same, GAF states that it has no medical material other than those previously produced by plaintiff or pursuant to his authorization.

4. Copies of any and all statements, affidavits, memoranda, bills or other materials which substantiate or relate to the claimed damages sustained by the Plaintiff.

RESPONSE: GAF objects to this request on the grounds that it is overbroad, burdensome, vague, and is not a properly framed request for information under the discovery rules. See response to No. 3, above.

5. Copies of any and all statements, affidavits, memoranda, or other materials which substantiate or relate to Plaintiff's claim for lost wages.

RESPONSE: GAF objects to this request on the grounds that it is information which should be equally available to the plaintiff. The plaintiff is making a claim for lost wages, and should have access to his employment and tax records. Subject to such objection, and without waiving the same, GAF states that it has no information other than that previously produced by the plaintiff or his counsel or plaintiff's employer.

6. Copies of any and all statements, affidavits, memoranda, or other materials, which in any way relate to the Plaintiff's claim, which are within the possession of the Defendants or the Defendants' attorneys, whether written or recorded, taped or otherwise.

RESPONSE: GAF objects to this request on the grounds that it is overbroad, unspecific, is not reasonably calculated

to lead to the discovery of admissible evidence, calls for information which may be privileged under the attorney-client privilege or protected from discovery by the work product doctrine.

7. To permit Plaintiff to inspect, photograph, and otherwise copy any and all photographs, videotapes, movies, plats, diagrams, results of tests or experiments performed, including any and all demonstrable evidence which Defendants intend to use at trial.

RESPONSE: GAF objects to this request on the grounds that it is overbroad, burdensome, not reasonably calculated to lead to the discovery of admissible evidence, calls for irrelevant information, is unspecific and vague, and is not a properly framed request under the Rules. Subject to such objection, and without waiving the same, GAF states that it has not decided which, if any, demonstrable evidence it will use at trial.

8. If any experiments or tests have been conducted by Defendants which were not covered in Request 7 because the same were not documented by videotape, movie or report, please produce the names of those in attendance together with the place and time of the same as well as the results or reports of the same.

RESPONSE: See objection to No. 7 above.

9. All sales records, invoices, accounts receivable, ledgers, billings, shipping documents, daily shipment records, etc. which represent shipments or sales by each Defendant of asbestos and/or asbestos containing products to or from locations in the State of Virginia.

RESPONSE: GAF objects to the request on the grounds that this request is overbroad, burdensome, is unspecific as to time, is irrelevant, and is otherwise not reasonably calculated to lead to the discovery of admissible evidence.

10. All sales records, invoices, accounts receivable, ledgers, billings, shipping documents, daily shipment records, etc. which represent shipment or sales by each Defendant of asbestos and/or asbestos containing products to contractors or the job sites related to the buildings listed in Exhibit #2 to videotape deposition of Mr. Herman B. Dowdy taken December 12, 1984, in Richmond, Virginia.

RESPONSE: GAF is not aware of the dates Mr. Dowdy was at such job sites, and objects to producing information regarding sales unless such information can be shown to be relevant by specifying a time Mr. Dowdy would have been exposed to asbestos at such job site.

11. All sales records, invoices, accounts receivable, ledgers, billings, shipping documents, daily shipment records, etc. which represent shipment or sales by each Defendant of asbestos and/or asbestos containing products to Plaintiff's employer, The Otis Elevator Company, at its Richmond, Virginia, offices and/or distribution centers covering and supplying the State of Virginia.

RESPONSE: GAF does not have any records of sales to Otis Elevator, and does not believe it made sales to Otis Elevator. If any records are located during the course of the litigation, they will be produced.

GAF CORPORATION

BY *Hunter W. Sims, Jr.*
Of Counsel

Hunter W. Sims, Jr.
Becky A. Powhatan
R. Barrow Blackwell
Kaufman & Canoles
P.O. Box 3037
Norfolk, Virginia 23514-3037
(804) 624-3000

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing
Objections and Responses of Defendant GAF Corporation to
Plaintiff's Request for Production of Documents was mailed,
first class, postage prepaid, to all counsel of record this
11th day of June, 1985.

Wm. B. Bradburn