

FILE NAME: Square D (SQD)

DATE: 2014

DOC#: SQD004

DOCUMENT DESCRIPTION: Response to Plaintiff's Request for Interrogatories with NSC Membership Certificate 1952

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

JEFF KOVAR

Plaintiff,

v.

UNION CARBIDE CORPORATION, et al.

Defendants.

Case No: 1322-CC01123

**Division 1
(Asbestos)**

**PERSONAL INJURY
PRODUCTS LIABILITY**

JURY TRIAL DEMANDED

**DEFENDANT SCHNEIDER ELECTRIC USA, INC.'S, FORMERLY
KNOWN AS SQUARE D COMPANY, RESPONSES TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant Schneider Electric USA, Inc., formerly known as Square D Company, ("Square D") responds to Plaintiff's Request for Production of Documents ("Plaintiff's Discovery") as follows:

PRELIMINARY STATEMENT

The following responses are based upon the information that is presently known and available to Square D based upon 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 Discovery took place decades ago. As a result, 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. No finite completion date can be placed upon these efforts. Consequently, Square D's review of the matters inquired into by Plaintiff's Discovery continues and, to the extent appropriate, Square D reserves the right to further supplement its responses.

- b. the date(s) of each claim;
- c. the disposition of each such claim; and
- d. the nature of each injury claimed.

ANSWER: In addition to its foregoing General Objections, Square D objects to this Interrogatory on the grounds that it overly broad, unduly burdensome compound, and not reasonably calculated to lead to the discovery of admissible evidence. Square D objects that this Interrogatory seeks information that would violate the personal privacy rights of Square D's employees or others. Square D objects that this Interrogatory is overly broad, unduly burdensome, and harassing in that it seeks information that would violate state and federal privacy laws. Subject to and without waiving its foregoing objections, Square D responds that Plaintiff has not provided reasonable notice regarding the allegations against Square D in this case. More specifically, Square D responds that Plaintiff has failed to describe with reasonable particularity any area of any facility at which Plaintiff worked or the site conditions encountered in any area of the facility, failed to identify how, or in what exact manner, Plaintiff may have been exposed to asbestos from any Square D premises, and failed to describe how Plaintiff was, if at all, injured as a result.

53. Identify all trade organizations, associations, or groups to which you belonged, participated in, or were in any way affiliated with since 1920 including, but not limited to, National American Conference of Governmental Industrial Hygienists, American Industrial Hygiene Association, American Petroleum Institute, American Railroad Association, American Textile Institute (ATI), Asbestos Information Association (MA), Asbestos Information Association/North America (AIA/NA), Industrial Mineral Insulation Manufacturers Institute, Magnesia Insulation Manufacturers Institute, Magnesia Silica Insulation Manufacturer Association, Mineral Wool Institute, Industrial Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NS C), Midwest Insulation Contractors Association, Quebec Asbestos Mining Association, Refractories Institute, Safe Building Alliance, Thermal Insulation Manufacturers Association (TIMA), American Ceramics Society (ACS), National Building Materials Distributors Assn. (NIA), Sprayed Mineral Fiber Manufacturers Assn. (SMFMA). As to each organization identified, please further identify:

- a. the dates of the membership or participation in each entity;
- b. the names of all publications received by you from each organization, association or group;
- c. the names of all committees or subcommittees of which you were a member and the dates of such membership; and
- d. the names of each representative of the Western Electric Company to each organization, association or group.

ANSWER: In addition to the General Objections set forth above, Square D objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because it is not limited to the relevant time periods in which Plaintiff alleges exposure to certain Square D products. Subject to and without waiving the foregoing objections, Square D states to the best of its present knowledge, it has not belonged to any organizations which it views as relating to asbestos-containing products. By way of further answer, but without conceding the relevance of this response, Square D states that it or its employees have, from time to time, associated with trade and business organizations during the course of its more than 100 years of doing business. Over time, Square D's participation in trade or business organizations has changed as business and technological issues have also changed along with the various trade or business organizations. Based on information available to the company from its own sources, Square D or its employees have associated with the following organizations: National Electrical Manufacturers Association; American Society of Safety Engineers; American National Standards Institute; National Fire Protection Association, Home Safety Council; Institute of Electrical and Electronics Engineers; and National Safety Council. In the context of litigation, counsel for Plaintiff has produced documents from third-party sources indicating that Square D or individual Square D employees were associated with the American Ceramic Society from at least 1933 to approximately 1948. The company has no records or information to refute its association with this organization. As noted above, Square D's investigation of this matter is continuing and it reserves the right to modify or to supplement this response should additional information become available.

54. Are there any policies of insurance (including excess policies) which provide, or might provide, coverage on your behalf for the injuries alleged in Plaintiff's Petition? If your Answer is "yes," as to each such policy of insurance identify:

- a. the name and address of each insurer and the policy number of each policy which may provide coverage;
- b. the name of each insured under each policy;

the allegations against Square D, in this case. More specifically, Square D responds that Plaintiff has failed to describe with reasonable particularity any area of any facility at which Plaintiff worked or the site conditions encountered in any area of the facility, failed to identify how, or in what exact manner, Plaintiff may have been exposed to asbestos from any Square D premises, and failed to describe how Plaintiff was, if at all, injured as a result. As such, it is impossible for Square D to identify expert witnesses who may be called to testify at a trial of this matter. By way of further response, Square D states that discovery in this case is still ongoing and Square D has not yet made a determination of its expert witnesses. Square D will submit its expert witness list in accordance with the Court's local rules and the Missouri Rules of Civil Procedure.

Respectfully submitted,

POLSINELLI PC

By: 

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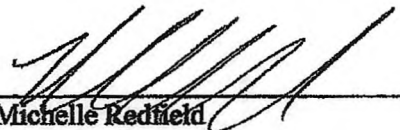
Fax Number (314) 231-1776

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

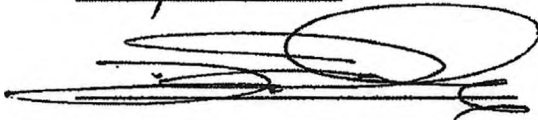
VERIFICATION

I, Michelle Redfield, state that I am an employee of Schneider Electric USA, Inc., formerly known as Square D Company, (the "Company") and am authorized to make this verification for and on behalf of the Company. I have read the Company's Supplemental Responses to Plaintiff's Interrogatories and am familiar with the contents thereof. I declare under penalty of perjury under the laws of the State of Missouri that the answers of the Company are true to the best of my knowledge, information, and belief as I have been informed by others, limited records and information available with respect to the subject matters at issue.

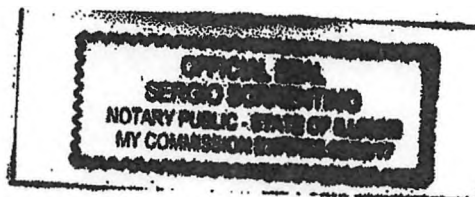
Dated: May 8, _____, 2014


Michelle Redfield

SUBSCRIBED and sworn to
before me this 8th day of
May, 2014.



Notary Public



NATIONAL SAFETY COUNCIL



member 2007-2008

Square D Co

is a member of the National Safety Council and the Chicago Chapter

Member since

10/1/1952

Alan C. McMillan
President & CEO
National Safety Council

Evangelos Galounis
Director
National Safety Council, Chicago Chapter

Local Chapter:



Chicago Chapter