

RECEIVED

PLAINTIFF'S
EXHIBIT
E-87

DEC 11 1981

CAUSE NO. 93-3625-I

BARON & BUDD

HELEN GAMBRELL, INDIVIDUALLY § IN THE DISTRICT COURT OF
AND AS THE SPECIAL §
ADMINISTRATRIX OF THE ESTATE §
ROBERT GAMBRELL, DECEASED §
VS. § DALLAS COUNTY, TEXAS
§
THE ABER COMPANY § 162ND JUDICIAL DISTRICT
AMERICAN ELECTRICAL CABLE
AMERICAN INSULATED WIRE, INC.
ARMSTRONG WORLD INDUSTRIES, INC
CAROL WIRE & CABLE (Individually
and d/b/a Crest Co. & Miller Electric Co.)
CERRO WIRE & CABLE CO., INC.
ESSEX GROUP
FIBREBOARD CORPORATION
FLEXITALLIC GASKET COMPANY, INC.
THE FLINTKOTE COMPANY
GAF CORPORATION
GARLOCK, INC.
GENERAL ELECTRIC CO.
ITT CORPORATION
NATIONAL GYPSUM COMPANY
THE OXONITE CO.
OWENS-CORNING FIBERGLAS CORPORATION
OWENS-ILLINOIS, INC.
PITTSBURGH CORNING CORPORATION
ROCK WOOL MANUFACTURING CO., INC.
ROCKBESTOS PRODUCTS CO.
ROME CABLE CORP.
TURNER & NEWALL PLC
USX CORPORATION (Individually and f/d/b/a
U.S. Steel, American Steel and Wire,
U.S. Steel Electrical Cable, & Tiger Brand)
UNION CARBIDE CHEMICALS & PLASTIC COMPANY
UNITED STATES GYPSUM COMPANY
W.R. GRACE & COMPANY
WESTINGHOUSE ELECTRIC COMPANY

ESSEX GROUP'S OBJECTIONS TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION PROPOUNDED TO DEFENDANT

TO: Plaintiff, Helen Gambrell, by and through her attorney of
record, Mr. Russell W. Budd, Baron & Budd P.C., 3102 Oak Lawn
Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant Essex Group, and files this its
Objections to Plaintiff's Master Interrogatories and Requests for
Production Propounded to Defendant.

SC-ELEC-10419

Respectfully submitted,

McLEOD, ALEXANDER, POWEL &
APFFEL, P.C.

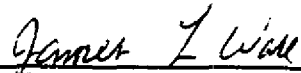
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ATTORNEYS FOR DEFENDANT,
ESSEX GROUP

CERTIFICATE OF SERVICE

I, James L. Ware, hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record by Certified Mail, Return Receipt Requested, or regular mail, on this the 29th day of December, 1993.

cc: Russell W. Budd Baron & Budd The Centrum 3102 Oak Lawn Avenue, Ste 1100 Dallas, Texas 75219-4281	Erik Heymann Haight, Gardner & Poor 100 Milam Houston, TX 77002
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JAMES L. WARE *B, BRL*

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.

ANSWER:

Objection: To the extent that this interrogatory seeks a "year-by-year list of all of the positions, titles" etc. held of the person answering these interrogatories, this interrogatory seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is unduly burdensome to the extent that it seeks the identity of each person who has supplied any information for the use of answering these interrogatories. Based on the breadth of these interrogatories, it is anticipated that the work product of numerous individuals will be used for supplying answers thereto.

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.

ANSWER:

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 Dallas County asbestos litigation.

ANSWER:

Objection: This interrogatory is vague and ambiguous in its description of "Defendants in the Dallas County asbestos litigation." Should this interrogatory be taken literally, this interrogatory is also objectionable in that it is unduly burdensome in that it would require this Defendant to undertake research of

every lawsuit ever filed in Dallas County alleging asbestos exposure for the identity of every named defendant.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory seeks information of a proprietary nature, therefore it is privileged under the Texas Rules of Civil Evidence.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory seeks information of a proprietary nature, therefore it is privileged under the Texas Rules of Civil Evidence.

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.

ANSWER:

Objection: To the extent that this interrogatory seeks information on anything other than asbestos, it is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the present cause of action. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind of 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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory seeks information of a proprietary nature, therefore it is privileged under the Texas Rules of Civil Evidence.

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.

ANSWER:

Objection: This interrogatory would necessarily seek the disclosure of proprietary information and is therefore privileged under the Texas Rules of Civil Evidence. For further objection this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is

neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: To the extent that this interrogatory seeks information on anything other than asbestos, it is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the present cause of action. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: To the extent that this interrogatory seeks information on anything other than asbestos, it is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the present cause of action. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory would necessarily seek the disclosure of proprietary information and is therefore privileged under the Texas Rules of Civil Evidence. For further objection this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does

not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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 of 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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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 Dallas County, Texas, 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.

ANSWER:

Objection: This interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the 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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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, 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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters, locations or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory by its very wording requires pure speculation on the part of this defendant. As such, it seeks information and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is hopelessly vague in the use of the term "medical advisory capacity" in that it would include plant physicians employed to provide first aid services to the employees of this defendant. As such, it seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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.

ANSWER:

Objection: To the extent that this interrogatory requires this defendant to incur and undergo extended research of any general medical or scientific text or publications that it may have, this interrogatory is unduly burdensome and overly broad.

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.

ANSWER:

Objection: This interrogatory is vague and ambiguous and difficult to understand. For further objection, this request is unduly burdensome and would require massive review and research of any literature provided by any and all trade associations for information that might possibly be responsive to this request. For further objection, this interrogatory is not restricted to subject matters, or time frames of relevance to the litigation to which this defendant has been named a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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).

ANSWER:

Objection: The Texas Rules of Civil Procedure limits discovery to the existence and contents of an insurance agreement.

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.

ANSWER:

Objection: This interrogatory seeks a medical or scientific conclusion. For further objection, this interrogatory calls for pure speculation.

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.

ANSWER:

Objection: This interrogatory seeks a medical or scientific conclusion. For further objection, this interrogatory calls for pure speculation.

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.

ANSWER:

Objection: This interrogatory seeks a medical or scientific conclusion. For further objection, this interrogatory calls for pure speculation.

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 or such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

Objection: This interrogatory seeks a medical or scientific conclusion. For further objection, this interrogatory calls for pure speculation.

INTERROGATORY NO. 29:

As to gastro-intestinal 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.

ANSWER:

Objection: This interrogatory seeks a medical or scientific conclusion. For further objection, this interrogatory calls for pure speculation. For further objection, this interrogatory is vague and ambiguous in its generic descriptions of the subject matter diseases.

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. For further objection, to

the extent that this interrogatory seeks production of documents, it exceeds the scope of the Texas Rules of Civil Procedure as they pertain to interrogatories.

ANSWER:

Objection: This interrogatory is vague and ambiguous in its use of the term "potential health hazards". For further objection, to the extent that this interrogatory deals with "potential health hazards", it is overly broad, and seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the litigation to which this defendant has been made a party. For further objection, to the extent that this interrogatory seeks production of documents, it exceeds the scope of the Texas Rules of Civil Procedure.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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, or each transaction.
- E. The initial purchaser of the products.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory is both vague and ambiguous.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on this 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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory by its own terms seeks information that is outside the possession, custody or control of this defendant, and over which this defendant does not have a superior right to compel production. For further objection, this interrogatory is overly broad and unduly burdensome. For further objection, this interrogatory seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the litigation in which this defendant has been named a party.

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.

ANSWER:

Objection: To the extent that this interrogatory seeks information related to asbestos or asbestos products, it seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the instant cause of action. For further objection, this interrogatory is so broadly worded that it would require disclosure of information that is of a proprietary nature and is therefore privileged by the Texas Rules of Civil Evidence.

For further objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory is overly broad and may require the disclosure of information privileged as a trade secret

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., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to

which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. .

For further objection, to the extent that this interrogatory seeks information totally unrelated to any locations or environments to which the plaintiff involved in the litigation to which this defendant has been made a party was present, this information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome.

INTERROGATORY NO. 39:

May 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.

ANSWER:

Objection: This interrogatory necessarily requires the disclosure of attorney work product, party communications, and attorney client privileged communication. Texas Rules of Civil Procedure merely calls for the identification of persons with knowledge of relevant facts.

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.

ANSWER:

Objection: This interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection, this interrogatory calls for sheer speculation. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection, this interrogatory calls for sheer speculation. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory is ambiguous and vague.

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?

ANSWER:

Objection, this interrogatory calls for sheer speculation. For further objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection this interrogatory is ambiguous and vague.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

For further objection, this interrogatory is vague and ambiguous.

INTERROGATORY NO. 46:

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

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the

interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

For further objection, this interrogatory is vague and ambiguous.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

For further objection, this interrogatory is vague and ambiguous.

INTERROGATORY NO. 48:

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

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

For further objection, this interrogatory is vague and ambiguous. For further objection, this interrogatory seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory seeks information that is of a proprietary nature and is therefore privileged by the Texas Rules of Civil Evidence.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) 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.

ANSWER:

Objection, this interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party. For further objection, this interrogatory is vague and ambiguous.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) 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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

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.

ANSWER:

Objection, this interrogatory requires sheer speculation. Objection, this interrogatory seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the litigation to which this defendant finds itself a party.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) 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.

ANSWER:

Objection, this interrogatory seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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 predecessor(s) 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.

ANSWER:

Objection, this interrogatory seeks sheer speculation.

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?

ANSWER:

Objection, to the extent that this interrogatory refers to the studies identified within interrogatory No. 63, such documents would speak for themselves. For further objection, this interrogatory is both vague and ambiguous.

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.

ANSWER:

Objection, this interrogatory is both vague and ambiguous. Objection, this interrogatory is not restricted to either subject matters or time frames of relevance to the litigation to which this Defendant has been made a party. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. For further objection, this interrogatory is overly broad and unduly burdensome in that it does not restrict the subject matter of the interrogatory to materials of relevance to the litigation to which this Defendant has been named a party.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you [sic] 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;

ANSWER:

- (b) The subject matter on which the expert is expected to testify;

ANSWER:

- (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;

ANSWER:

- (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;

ANSWER:

- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;

ANSWER:

- (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:

Objection, this interrogatory seeks information that would be "case specific" to any particular litigation to which this particular defendant might find itself to be a party in Dallas County. Therefore, this interrogatory cannot be meaningfully responded to. Because the designation and retention of expert witnesses depends on the facts and circumstances of any particular litigation, this interrogatory in this form seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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.

ANSWER:

- (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:

- (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 Plaintiff's within the group, alleged injuries and/or damages;

ANSWER:

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

ANSWER:

Objection, Texas Rules of Civil Procedure merely require the identification of persons with knowledge of relevant facts. To the extent that this interrogatory seeks information other than the mere identification of such persons, it necessarily seeks information that is exempted as attorney work product and party communications. Therefore, this interrogatory is overly broad.

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.

ANSWER:

Objection, this interrogatory seeks information that is exempt from discovery as attorney work product.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-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 address(es) 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?

ANSWER:

Objection, this interrogatory requires sheer speculation. For further objection, the information sought is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the litigation to which this particular defendant finds itself a party. For further objection, to the extent that this interrogatory seeks production of documents, it exceeds the scope of the Texas Rules of Civil Procedure as they pertain to interrogatories. For further objection, this interrogatory seeks

information that is neither limited in terms of subject matter, or time periods of relevance to the instant cause of action. As such, it seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

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 address(es) 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 No. 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?

ANSWER:

Objection, this interrogatory requires sheer speculation. For further objection, the information sought is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence in the litigation to which this particular defendant finds itself a party. For further objection, to the extent that this interrogatory seeks production of documents, it exceeds the scope of the Texas Rules of Civil Procedure as they pertain to interrogatories. For further objection, this interrogatory seeks information that is neither limited in terms of subject matter, or time periods of relevance to the instant cause of action. As such, it seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST 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:

This request seeks information that is neither limited in terms of subject matter, or time frames of relevance to the instant cause of action. Therefore, this seeks information that is neither relevant, nor reasonably calculated to lead to the discovery of admissible evidence. Therefore, the information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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:

This request is vague and ambiguous. For further objection, this request is unduly burdensome in that it may require the production of a non-existent document.

STATE OF TEXAS

§

§

COUNTY OF _____

§

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and who, after being by me duly sworn, upon his/her oath states that same was executed for the purposes therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this the _____ day of _____, 1993.

NOTARY PUBLIC in and for the
State of Texas

My Commission Expires: _____