



CAUSE NO. E-143,871

HELEN GAMBRELL, INDIVIDUALLY	\$	IN THE DISTRICT COURT OF
AND AS THE SPECIAL	\$	
ADMINISTRATRIX OF THE ESTATE	\$	
ROBERT GAMBRELL, DECEASED	\$	JEFFERSON COUNTY, TEXAS
	\$	
VS.	\$	
	\$	
THE ABER COMPANY, ET AL	\$	172ND JUDICIAL DISTRICT

DEFENDANT, AMERICAN INSULATED WIRE, INC.'S OBJECTIONS TO
PLAINTIFF'S INTERROGATORIES AND RESPONSES SUBJECT THERETO

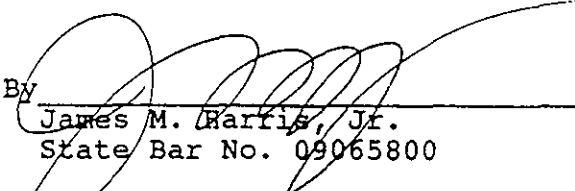
TO: Helen Gambrell, Individually and as the special Administratrix of the Estate of Robert Gambrell, deceased, by and through her attorney of record, Mr. Edward O. Moody, 801 West Fourth Street, Little Rock, Arkansas 72201.

COMES NOW AMERICAN INSULATED WIRE, INC., Defendant in the above-entitled and numbered cause and, in accordance with the Federal Rules of Civil Procedure, makes the attached answers to Plaintiff's Interrogatories. The date for filing and service of these objections and responses has been extended thru March 2, 1993 by agreement of plaintiff's counsel.

Respectfully submitted,

HOLMES & HARRIS, P.C.

By

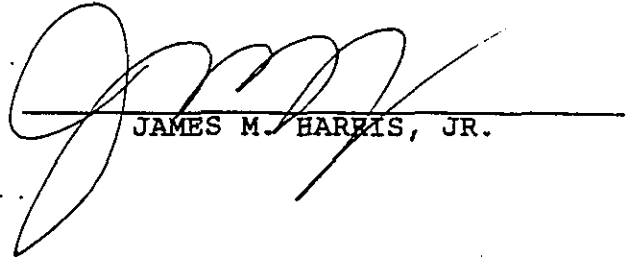

James M. Harris, Jr.
State Bar No. 09065800

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AMERICAN INSULATED WIRE, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been sent by certified mail, return receipt requested to counsel for plaintiff on this the 2nd day of March, 1993.



A handwritten signature in cursive script, appearing to read 'JMH', is written over a horizontal line. Below the line, the name 'JAMES M. HARRIS, JR.' is printed in a serif font.

JAMES M. HARRIS, JR.

GENERAL OBJECTIONS

Defendant objects to Plaintiff's Interrogatories because they seek for more than thirty (30) answers. Texas Rule of Civil Procedure 168(5) specifically provides that the number of questions including subsections in a set of interrogatories shall be limited so as not to require more than thirty (30) answers. American Insulated Wire is providing the attached answers to interrogatories subject to this objection.

DEFENDANT, AMERICAN INSULATED WIRE, INC.'S OBJECTIONS TO PLAINTIFF'S INTERROGATORIES AND RESPONSES SUBJECT THERETO

1. State the name, present business address, present residence and capacity or title of the individual signing these Interrogatories on behalf of the answering defendant.

ANSWER: Kenneth R. Strandberg
American Insulated Wire Corp.
36 Freeman Street
Pawtucket, RI
165 Beacon Drive (residence)
Kingstown, RI 02852
Vice-President, Engineering

2. Please state whether or not you have ever held a certificate of authority or otherwise registered to do business in the States of Texas and Arkansas and the dates thereof. Please state the address of your principal place of business and whether you have assumed the assets and/or liabilities of any predecessor corporation or entity (such predecessor corporations being limited to any association whatsoever with the asbestos aspect of defendant's business). Answer these Interrogatories for each such acquired company which manufactured electrical wire products containing asbestos.

ANSWER: No. Principal place of business - 36 Freeman Street Pawtucket, Rhode Island. American Insulated Wire acquired the following three companies but does not know whether any of them manufactured electrical wire products containing asbestos:

- 1.) North East Cable Co.
- 2.) Rhode Island Insulated Wire
- 3.) American Fabric Company

3. Has defendant, at any time, engaged in the manufacture of electrical wire products containing asbestos fibers?

ANSWER: Yes.

4. Has defendant, at any time, engaged in the mining and/or milling of material containing asbestos fibers?

ANSWER: No.

5. Has defendant, at any time, engaged in the processing, distributing and/or marketing of material containing asbestos fibers?

ANSWER: Yes.

6. If the answer to one or more of the last three questions is in the affirmative, please state as to each affirmative answer, the following:

(a) The trade or brand name of each such product mined, manufactured or marketed.

(b) The dates each such products were placed on the market.

(c) The dates each of such products were withdrawn from the market.

(d) A description of the physical (the chemical) composition of each such product, including the type of asbestos contained in each such product (i.e., amosite, chrysotile, tremolite and/or crocidolite) and the quantitative percentage of asbestos in each product.

(e) A description of the physical appearance of each such product.

(f) A detailed description of the intended uses of each such product.

(g) The name of the manufacturer of each such product.

(h) The mining or milling concern from which the raw asbestos fiber was obtained.

ANSWER:

- (a) AIW had no brand or trade name except for the following National Electrical code, Canadian Electrical Code & Electrical Utility designations:

A, AA, AF, AWM, AVA, AVB, AFC, AFPD, AFPO, HPD, HSO, HSJO, HS, HSJ, TA, AI, CONTROL CABLES & INSTRUMENTATION CABLES

- (b) AF (6/10/40); AA, AI, AVA & AVB (10/3/60); TA (5/31/60); AFC, AFPD, AFPO (6/10/78); AWM (12/5/56)
- (c) AIW ceased all production of wire employing asbestos in 1981. Prior to 1981 AIW ceased to produce other asbestos wire designs as cost effective replacements became available.

- (d) Type A: Copper strands, cellulose acetate separator, carded asbestos insulation, water-based impregnation.

Type AA: Copper strands, cellulose acetate separator, carded asbestos insulation water based impregnated, with an additional roving asbestos water based impregnated.

Type AF: Copper strands, cellulose acetate separator, & AI carded, asbestos insulation, wax impregnated.

Type AWM: Copper strands, cellulose acetate separator, (Style carded asbestos insulation, wax impregnated. 5036)

Type AWM: Copper strands, cellulose acetate separator, (Style carded asbestos insulation, wax impregnated, glass braid, lacquered.

Type AWM: Copper strands, cellulose acetate separator, (Style carded asbestos insulation, water-based 5076) impregnated, glass braid, lacquered.

Type AVA: Copper strands, carded asbestos insulation (For solid copper, no inner asbestos insulation) two wraps of varnish cambric tape, carded asbestos insulation, wax impregnated.

Type AVB: Copper strands, carded asbestos insulation, (For solid & 7 strand copper, no inner asbestos insulation). Two wraps of varnish cambric tape, carded asbestos insulation, wax impregnated, cotton braid, painted.

Type AFPD: Copper strands, cellulose acetate separator, carded asbestos insulation, wax impregnated, conductors twisted, cotton (or wax impregnated asbestos) braid overall.

Type AFPO: Copper strands, cellulose acetate separator, carded asbestos insulation,

wax impregnated, 2/C laid parallel,
cotton braid overall.

Type AFC: Copper strands, cellulose acetate separator,
carded asbestos insulation, wax impregnated,
cotton braided, conductors twisted together.

Type HPD: Copper strands, cotton serve, uncured rubber,
asbestos insulation, conductors twisted,
cotton or spun rayon braid overall.

Type HSO: Copper strands, paper separator, rubber
HSJO, HS, insulation, asbestos covering, conductors
& HSJ cabled, cotton serve over assembly, neoprene
(HSO & HSJO) or rubber (HS & HSJ) jacket
overall.

Type TA: Copper strands, PVC insulation, asbestos
insulation, wax impregnation, cotton braid,
painted.

Type Encapsulated asbestos tape used as a flame and
Control heat-resistant barrier under the jacket.
& Instru-
mentation
Cables

- (e) Insulated Wire Products.
- (f) Electrical applications requiring high heat resistance.
- (g) American Insulated Wire Corp.
- (h) Unknown.

7. Does defendant claim that any patent would cover any product
listed above in Interrogatory No. 6?

ANSWER: No.

8. If so, for each such product, please state:

- (a) The number of each patent.
- (b) The date same was issued.
- (c) The number of each patent application that is pending.

ANSWER: N/A.

9. Have any of the products listed in Interrogatory No. 6 above been altered in chemical composition or asbestos type or content since first being marketed?

ANSWER: No chemical composition or asbestos type changes are known to have taken place. Asbestos content was monitored by UL (Underwriters Laboratories) and would have to meet the standards established by UL.

10. If so, please state:

- (a) The trade name of each such product.
- (b) The date each such product was altered.
- (c) The nature of the alteration.
- (d) The reason for the alternation.

ANSWER: N/A.

11. Do any written memoranda, specifications, blueprints or other written materials, of any kind or character, exist relating to the testing of said products?

ANSWER: Yes. The products were tested by Underwriters Laboratories.

12. If so, please state:

- (a) List each such written material or document.
- (b) Who presently has possession of each such document and where is it located?

ANSWER:

- (a) UL 62 Flexible Cord & Fixture Wire Standard
UL 115 Wire with Asbestos or Asbestos Varnish Cloth
UL 83 Thermoplastic Insulated Wires & Cables
- (b) UL should have copies of the standards. In addition, AIW has copies of some of the standards and related documents.

13. Did defendant make any design changes as a result of said testing?

ANSWER: No.

14. If so, please state:

- (a) The nature of the changes made.
- (b) The name, address, and job classification of each person in charge of making a change.

ANSWER: N/A.

15. Do any written memoranda, specifications, recommendations or other written materials, of any kind or character, relating to the testing of the said products exist?

ANSWER: See answer to Interrogatory No. 11 above.

16. If so, please state:

- (a) List each such written material or document.
- (b) Who presently has possession of each such document, and where is it located?

ANSWER:

- (a) See answer to Interrogatory No. 12.
- (b) See answer to Interrogatory No. 12.

17. Did defendant make any design changes as a result of such tests?

ANSWER: See answer to Interrogatory No. 13.

18. If so, please state:

- (a) The nature of the changes made.
- (b) The name, address, and job classification of each person responsible for making such a change.

ANSWER:

- (a) See answer to Interrogatory No. 14.
- (b) See answer to Interrogatory No. 14.

19. Has defendant, at any time, published and/or distributed any brochures, sales literature, pamphlets, or other written materials (aside from any caution labels on containers), of any kind of character, that contain any warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of the products listed in response to Interrogatory No. 6 above?

ANSWER: No.

20. If so, please state:

- (a) The wording of each such warning.
- (b) A description of each such printed material.
- (c) The method used to distribute the warning to persons who are likely to use the products.
- (d) The date each such warning was issued.
- (e) The name, address, and job classification of each person who presently who presently has possession of the above described documents.
- (f) If you will without a motion, please attach a copy of each such warning.
- (g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

ANSWER: N/A.

21. From 1930 until the present, did the asbestos products manufactured or distributed by you, contain any warning, caution, caveat or other statement on the product or its packaging?

ANSWER: No.

22. If so, please state:

- (a) When did the first warning appear?
- (b) What was the precise wording of the warning when it first appeared?
- (c) Was the warning altered, amended or changed in any manner? If so, how and when?

- (d) Where was the warning located on the product or packaging?
- (e) When did you become aware that warnings were placed on products distributed by other defendants? State the reason warnings of the other defendants were not placed on your products?
- (f) State the manner in which your product is shipped and the type of container it is shipped in to retailers.
- (g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

ANSWER: N/A.

23. Have you received notice that any other person was claiming injury as a result of using asbestos products manufactured and/or sold by your company (both prior to and subsequent to the filing of this action)?

OBJECTIONS: Defendant objects to this Interrogatory because it is overbroad, vague and harassing. Defendant further objects because this interrogatory requests information on all other claims brought by anyone anywhere without proper limitations as to products, alleged defenses, and similarity of claims. Moreover, prior complaints or claims regarding its products, if any, are irrelevant to this case and are highly and unfairly prejudicial and will not lead to the discovery of relevant evidence. Defendant also objects to providing any information on complaints, etc. that are not substantially similar to those involved in this case. Defendant also objects to providing the requested information for any products other than those to which decedent was personally exposed, if any. Moreover, any response to this interrogatory would cause defendant undue and unnecessary expense. This interrogatory is intended merely to harass defendant.

24. If so, please state:

- (a) The name and address of each claimant.
- (b) The date and notice of each claim.
- (c) A description of the claim (i.e., workmen's compensation, products liability, etc.).

- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents the individuals making such claims.
- (f) The style and court number of each claim currently pending.
- (g) The resolution of each claim that has been settled or taken to judgment.

OBJECTIONS: Defendant objects to this Interrogatory because it is overbroad, vague and harassing. Defendant further objects because this interrogatory requests information on all other claims brought by anyone anywhere without proper limitations as to products, alleged defenses, and similarity of claims. Moreover, prior complaints or claims regarding its products, if any, are irrelevant to this case and are highly and unfairly prejudicial and will not lead to the discovery of relevant evidence. Defendant also objects to providing any information on complaints, etc. that are not substantially similar to those involved in this case. Defendant also objects to providing the requested information for any products other than those to which decedent was personally exposed, if any. Moreover, any response to this interrogatory would cause defendant undue and unnecessary expense. This interrogatory is intended merely to harass defendant.

25. Do you have any records indicating that any of your products containing asbestos fibers were sold to any of the companies named as codefendants in this suit?

ANSWER: No.

26. If so, please state:

- (a) The name, address, and job classification of each individual who currently has possession of such records.
- (b) Please list the names of each codefendant to whom your products have been sold.
- (c) Please state the dates of each such sale and the amount and kind of materials sold.
- (d) State whether your company manufactured asbestos-containing electrical wire products for a codefendant but

placed said codefendants labels, logos or containers on said products and list each such codefendant.

ANSWER: N/A.

27. Does defendant contend that plaintiff improperly used their products?

ANSWER: Unknown at this time.

28. If so, please set out in detail in what respect said products were improperly used.

ANSWER: Unknown at this time.

29. Does defendant have policies of insurance that might cover the claims that have been made by plaintiff?

ANSWER: We cannot answer this question because of the indeterminate nature of the claim as made in the complaint; in particular, the date of the "alleged" loss. However, we have asserted a claim against our insurance carriers for whatever coverage A.I.W. might be afforded in this case.

30. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: Zurich Insurance Company and perhaps others.
See answer to Interrogatory No. 29.

31. Does defendant contend that electrical wire products containing asbestos can be manufactured or treated as to eliminate all potential health hazards to workers installing same?

OBJECTIONS: Defendant objects to this interrogatory because it is overbroad and vague. This interrogatory asks about all health hazards rather than just those relating to inhalation of asbestos fibers, if any.

ANSWER SUBJECT TO OBJECTIONS: Some immediate physical or health hazards such as electrical shock or electrocution are possible during installation of certain electrical products. However, AIW's products, if any are

involved in this suit, can be safely installed without health hazards relating to release of respirable asbestos fibers. AIW contends that, as of the date of manufacture and sale of its products, if any are involved in this suit, said products could have been installed by properly trained personnel without health hazards relating to inhalation of respirable asbestos fibers.

32. If so, please explain.

ANSWER: See answer to Interrogatory No. 32 above.

33. Please describe in detail the types of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description of any printed material or trademarks that appeared thereon.

ANSWER: AIW did not sell "asbestos material". AIW's products were sold on reels or spools and depending on size could have been packaged in cardboard containers. From 1936 to 1981. Printed information on outside of package, reel, spools or attached tags would have included size of wire, # of conductors and type of wire, voltage rating, temperature rating and manufacturer's identification.

34. Did you receive any reports or communication from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing electrical wire products? If so, please state who had possession of said reports, the location of said reports and the substance of said reports, listing for each such report the respective insurance company, its address, and the agent signing such correspondence.

ANSWER: We have never received any reports or communication from our Workman's Compensation insurance carrier or products liability insurance carrier with regard to the hazards, if any, incident to the use of asbestos-containing electrical wire products.

35. If the answer to Interrogatory No. 4 (mining and milling) is yes, please state:

- (a) Where the asbestos was mined and milled.
- (b) How long the defendant has mined and milled asbestos.
- (c) Whether the defendant has supplied this mined and/or milled asbestos to any of the other defendants since 1950; when these transactions took place; and the dollar and tonnage amount of such sales.
- (d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.

ANSWER: N/A.

36. If the answer to Interrogatory No. 4 is no, please state:

- (a) From what source or sources, if any, did your company obtain mined asbestos since 1950.
- (b) Whether any warnings, cautions, caveats or directions accompany the material referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos.
- (c) Approximately what date said warnings, cautions, caveats or directions first appeared on the mined asbestos.

ANSWER:

- (a) Unknown.
- (b) Unknown.
- (c) Unknown.

37. If the answer to Interrogatory No. 3 is yes, please state:

- (a) Where the asbestos materials were manufactured.
- (b) How long the defendant has manufactured asbestos or asbestos material.
- (c) Whether the defendant has supplied this manufactured asbestos or asbestos material to any of the other defendants since 1945, when these transactions took place, where, and the compensation paid for the manufactured asbestos or asbestos material.
- (d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.

ANSWER:

- (a) American Insulated Wire Corp.
Northeast Cable
- (b) AIW never manufactured "asbestos or asbestos materials."
However, the products identified in these answers to
interrogatories were manufactured from 1940 to 1981.
- (c) See answer to Interrogatory No. 37(b) above. No.
- (d) None

38. If the answer to Interrogatory No. 3 is no, please state:

- (a) From what sources, if any, did your company obtain
asbestos containing electrical cable wire products since
1945.
- (b) Whether any warnings, cautions, caveats or directions
accompany the material referred to in (a) and the nature
and extent of said warnings, cautions, caveats or
directions accompanying said asbestos or asbestos
materials.
- (c) Approximately what date said warnings, cautions, caveats
or directions first appeared on the manufactured asbestos
or asbestos material. >

ANSWER: N/A.

39. Has the defendant imported asbestos or asbestos material since
1930?

ANSWER: No. See answer to Interrogatory No. 37(b) above.

40. If the answer to the preceding Interrogatory is in the
affirmative, please state:

- (a) From where the asbestos or asbestos material was
imported.
- (b) How long the defendant has imported asbestos or asbestos
material.
- (c) Whether the defendant has supplied this imported asbestos
or asbestos materials to any of the other defendants
since 1945, when these transactions took place and where.

- (d) Whether any warnings, cautions, caveats or directions accompanied the materials referred to in (c) and the date these first appeared.

ANSWER: N/A.

41. Has the defendant sold or distributed asbestos containing electrical wire products at any time since 1930?

ANSWER: Yes.

42. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) Where the defendant has sold or distributed such products since 1930.
- (b) How long the defendant has sold or distributed such products.
- (c) Whether the defendant has sold or distributed such products to any of the other defendants named in this litigation since 1945, and state the dollar and tonnage amounts of such sales and the dates of same.

ANSWER:

- (a) Throughout the United States
- (b) 1940 - 1981
- (c) No (see answer to Interrogatory No. 25)

43. If the answer to subpart (c) of Interrogatory No. 42 is in the affirmative, please state:

- (a) Whether any warnings, cautions, caveats, or directions accompany the asbestos or asbestos material sold or distributed to these other defendants, the content of said warnings, cautions, or directions accompanying said asbestos.
- (b) Approximately what date said warnings, cautions, caveats or directions first appeared on asbestos materials distributed to these other defendants.

ANSWER: N/A.

44. If the defendant has discontinued manufacturing and/or selling asbestos products, please state the reason or reasons therefore.

ANSWER: Negative publicity combined with market conditions caused us to cease manufacturing of final asbestos-containing products in 1981.

45. Have any of the other defendants named in the litigation ever furnished the defendant answering these Interrogatories with information as to the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases, including cancer and asbestosis?

ANSWER: No.

46. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) What information was the defendant furnished with.
- (b) When the defendant was furnished the information.
- (c) By whom was the defendant furnished the information.

ANSWER: N/A.

47. Have the defendants interchanged results of research, tests, medical studies or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases, including lung cancer and asbestosis since 1930?

ANSWER: No, not to AIW's knowledge.

48. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) When these interchanges took place.
- (b) Who participated in these interchanges.
- (c) Summarize the content of these interchanges or studies.

ANSWER: N/A.

49. Has the defendant become aware, as the result of other litigation or by any other means, of any studies, research, experiments, or tests conducted by another defendant which, if

known at the time said study, research, experiment, or tests were made would have altered the manner or way the defendant answering these Interrogatories acted in distributing these products.

ANSWER: No.

50. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) When these studies, research, experiments, or tests were made.
- (b) By whom were these studies, research, experiments, or tests made.
- (c) Summarize the contents of these studies and how the defendant would have acted differently.

ANSWER: N/A.

51. Please state if the defendant or anybody on behalf of the defendant ever conducted or sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful. If so, please state:

- (a) By whom the research was conducted, giving complete names and addresses.
- (b) The dates that each such test was conducted.
- (c) The complete results of each test or study.
- (d) Supply copies of reports of the research department pertaining to the use by the corporation of asbestos in their manufactured electrical wire products.

ANSWER: No.

52. Please state the names and addresses of the defendant's chief medical officers from 1930 until the present time, listing the periods of time each such medical officer was employed by defendant in that capacity.

ANSWER: Defendant never had one.

53. Please state to whom in the corporate structure the chief medical officer reports, also giving the person's position or job title with defendant.

ANSWER: N/A.

54. Please state the duties and responsibilities of the corporation's chief medical officer.

ANSWER: N/A.

55. Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by the defendant at any of its facilities from the years of 1930 until the present time.

ANSWER: None.

56. Please state the names and addresses of all personnel employed by defendant from 1930 until the present time who functioned as industrial hygienists or toxicologists. As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with same. Please state:

- (a) The facility or office to which they were assigned.
- (b) Their complete and precise duties and responsibilities.

ANSWER: None.

(a) N/A.

(b) N/A.

57. Please state if the defendant's medical officers ever made, at any time, any recommendations and/or suggestions to the defendant pertaining to the risks or hazards to persons involved in the manufacturing or use of electrical wire products containing asbestos? If so, please state:

- (a) Where were such recommendations and/or suggestions made?
- (b) To whom were such recommendations and/or suggestions made?
- (c) By whom were such recommendations and/or suggestions made?
- (d) The substance of the recommendations and/or suggestions.

ANSWER: N/A.

58. Please state the names of trade association periodicals to which the defendant subscribed from 1928 to the present date. State whether or not the defendant has any knowledge of any articles being printed in industry trade journals, essays, memoranda and other similar sources pertaining to the hazardous potentials of asbestos and which of such articles were received by you.

ANSWER: Wire Journal, Rubber World, Plastic Technology, Insulation/Circuits, Electrical Distributor, Electrical Contractor

59. Please state organizations, groups, intercompany or industrial organizations to which the defendant belongs which conducted studies or research the relationship, if any, between exposure to asbestos fibers or products and asbestosis and lung cancer from 1945 to present.

ANSWER: None.

60. In reference to Interrogatory No. 59, please state:

- (a) The type or nature of the studies.
- (b) When the studies were conducted.
- (c) The complete results of the studies.
- (d) The recommendations of the studies.
- (e) The resulting implementation of the studies by defendant.
- (f) The date when first implemented.

ANSWER: N/A.

61. Please state the amounts spent or contributed by the defendant annually from 1936 until the present time for research specifically directed to the relationship, if any, between an electrical worker's exposure to asbestos containing electrical wire products and asbestosis, lung cancer or any other pulmonary disease.

ANSWER: None.

62. Please state the amount annually contributed by the defendant to any independent medical research group or groups conducting research into the relationship, if any, between the exposure

of electrical wire workers to asbestos and any pulmonary diseases.

ANSWER: None.

63. Please state the names and addresses of the organizations or groups conducting the studies referred to in response to Interrogatory No. 61 and/or No. 62.

ANSWER: N/A.

64. Please state whether the defendant has a department, division, or section devoted to scientific and/or medical research during the period from 1936 until the present time. If so, please state when it was first formed.

ANSWER: None.

65. Please state the scientific or medical periodicals to which the defendant, its medical department or industrial hygiene division subscribed during the period between 1950 and 1964, specifying the date such subscriptions were begun.

ANSWER: Unknown.

66. Please state whether any of the distributors of your asbestos containing electrical wire products were provided with any special instruction, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amounts of dust exceeding the MAC or TLV. If so, please state:

- (a) When these instructions were given.
- (b) By whom these instructions were given.
- (c) Were the instructions oral or written.
- (d) The precise content of the instructions.
- (e) If the instructions were written, please attach a copy of the instructions.

ANSWER: No such instructions were given to our knowledge.

67. Please state whether any employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state. If so, please state the date that the defendant first received notice of any

claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state and state the total number of claims filed for the years 1946 to present.

OBJECTIONS: This interrogatory seeks information, if any, that is irrelevant, non-discoverable and highly prejudicial.

ANSWER SUBJECT TO OBJECTIONS: No employee of the defendant has ever made a claim for asbestosis under the Occupational Disease or Workman's Compensation Statute of any state.

68. Is the defendant a member of the Asbestos Textile Institute? If so, when did it first become a member and list the years inclusively of membership?

ANSWER: No.

69. State whether any representative of the defendant was a member of the Air Hygiene Committee of the ATI or ever attended any meetings of such committee and list the years of such membership.

ANSWER: No.

70. State whether the defendant received copies of transcribed minutes of the various committee meetings, general meetings and Board of Directors meetings of the ATI within one year of each such meeting.

ANSWER: Unknown, but see answer to Interrogatory #69 above.

71. Has the defendant ever been a member of the Industrial Hygiene Foundation or the Industrial Health Foundation and, if so, state the years inclusively of such membership.

ANSWER: No.

72. State whether any representative of the defendant was in attendance at the 20th annual meeting of the IHF in November, 1955, in Pittsburgh, Pennsylvania, and if so, give the name and current address of such attendee.

ANSWER: No.

73. State whether the defendant ever received a copy or copies of the Industrial Hygiene Digest published monthly by the IHF and state the date of initial receipt of such publication.

ANSWER: Unknown, but see answer to Interrogatory No. 72 above.

74. State whether the defendant ever requested officials at the IHF to:

- (a) Perform a search of the medical literature to determine whether any scientists or doctors were reporting cases of electrical wire workers with asbestosis and/or lung cancer or discussing the potential hazards incident to use of asbestos containing electrical wire products.
- (b) Perform any studies or research into potential health hazards incident to the use of asbestos containing electrical wire products.
- (c) Review governmental publications of Great Britain toward the end of determining whether any research was being conducted by the British Government into any potential health hazards incident to the use of electrical wire products containing asbestos.
- (d) Review governmental publication of Great Britain to determine whether the Chief Inspector of Factories or any other British Government agency had issued any regulations or published any findings relative to potential health hazards incident to the use of electrical wire products containing asbestos.

ANSWER: No. See answer to Interrogatories No. 71 and 73 above.

75. Did the defendant sponsor, since 1930, for its employees or distributors any meetings, seminars, conferences, or conventions where the subject of occupational health and exposure to asbestos was discussed?

ANSWER: No.

76. If the answer to the Interrogatory No. 75 is in the affirmative, please state:

- (a) The date and place of such meeting, seminar, conference, or convention where the subject of occupational health and exposure to asbestos was discussed.
- (b) The name and address of the speaker or discussant.

ANSWER: N/A.

77. Did the defendant ever warn any labor union representing electrical wire workers or any potential health hazard from use of electrical wire products containing asbestos?

ANSWER: Unknown.

78. If the answer to the preceding Interrogatory is in the affirmative, please state:

- (a) The Union.
- (b) How said Union was formed.
- (c) The date and place of said information or warning.
- (d) The content and nature of said warnings.
- (e) The individual or individuals warned.

ANSWER: N/A.

79. Did the defendant, at any time, give any advice, publication, warning, order, directive, requirement or recommendation, written or oral, including by U. S. Mail, which purported to:

- (a) Advise the plaintiff personally and directly of the possible harmful effects of exposure to, or inhalation of, asbestos or asbestos containing products.
- (b) Advise or recommend to the plaintiff personally and directly as to techniques, methods or equipment which would serve to reduce or guard against such potentially harmful exposure.

OBJECTIONS: Defendant objects to this interrogatory because it improperly assumes that plaintiff was exposed to Defendant's products, that Defendant's products have "harmful effects" resulting from exposure to them, that Defendant's ~~products~~ ~~release~~ respirable asbestos fibers and that Defendant had a duty to advise the plaintiff regarding harmful effects of exposure to products. Defendant also objects because this interrogatory is overbroad in that it is not limited to "advise" pertaining solely to its products. Defendant has no duty to "advise" plaintiff regarding harmful effects, if any, of products manufactured by other Defendants. Defendant

also objects because this interrogatory assumes that the state of the art and knowledge concerning health effects, if any, of asbestos-containing electrical wire products at times relevant hereto was such that Defendant should have known of risks or hazards, if any.

ANSWER SUBJECT TO OBJECTIONS: No.

80. If your answer to any part of the above Interrogatory No. 79 is in the affirmative, please state:

- (a) The nature and exact wording of such advice, warning, recommendation, etc.
- (b) The complete identity of each source of such advice, warning, recommendation, etc.
- (c) The date, time, place, manner and circumstances when such advice, warning, recommendation, etc. was given.
- (d) The names, business address and telephone number, job title, residence address and telephone number of each and every witness to the plaintiff's reception of such advice, warning, recommendation, etc.
- (e) The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the same or similar advice, warning, recommendation, etc.

ANSWER: N/A.

81. Has any investigation or other report been prepared, compiled, submitted or made by or on your behalf in this action? If so, as to each such investigation or report, state fully and in detail:

- (a) The identity of same by date, subject matter, name, address, job title, or capacity of the person or persons to whom addressed or directed.
- (b) The name, address, job title or capacity of the person or persons to whom addressed or directed.
- (c) The name, address and present whereabouts of the person who has present custody or control thereof and the purpose of such preparation.

OBJECTIONS: Defendant objects to this interrogatory because it is overbroad and vague. Defendant also objects because this interrogatory seeks information protected from disclosure by the attorney/client privilege, the work product privilege and other privileges. In this regard, see Texas Rules of Civil Procedure 166b(3)(a)-(e). Furthermore, Defendant's first notice of the claims made the basis of this suit was the suit papers served upon it. Therefore, any such reports prepared by or for Defendant in this action were authored after suit was filed making them privileged as a matter of law.

ANSWER SUBJECT TO OBJECTIONS: No.

82. Do you, your agents, employees or representatives, know of any statement having been made by the plaintiff or the defendants pertaining to any circumstances of the illness which is the subject of this lawsuit?

ANSWER: No.

83. If the answer to the foregoing Interrogatory is in the affirmative, was any such statement in writing and, if so, in whose possession is such statement and when and where it may be inspected by the plaintiff?

OBJECTIONS: Statements other than that given by the plaintiff are exempt from discovery under the work product rule and witness statement rule. See Texas Rules of Civil Procedure 166b(3)(a) and (c).

ANSWER SUBJECT TO OBJECTIONS: N/A.

84. If your answer to Interrogatory No. 82 is in the affirmative and any such statement was oral, when and where was any such statement made, in who presence was such statement made and what was the substance of such statement?

ANSWER: N/A.

85. State the name of all persons who have acted in the capacity as a medical librarian for the defendant since 1930, and give their current address, telephone number, and current position with the company.

ANSWER: None.

86. State whether you subscribed to or received copies of the Asbestos Worker magazine and state the years of subscription or receipt of this magazine.

ANSWER: Unknown.

87. State whether you subscribed to the Asbestos magazine and list the inclusive dates of your subscription.

ANSWER: Unknown.

88. Please identify all booklets, manuals, journals, and all publications directed from you to customers and users of all asbestos containing electrical wire products and the dates said information was forwarded regarding the proper use and application of your asbestos containing insulation products.

OBJECTIONS: See Defendant's objections to Interrogatory No. 79 which are adopted and incorporated here.

ANSWER SUBJECT TO OBJECTIONS: None.

89. At any time prior to 1964, were any tests or studies conducted or sponsored by you to determine:

(a) The level of dust or fiber concentration incident to:

- (i) Cutting or sawing your electrical wire products containing asbestos;
- (ii) Implacing the production on (1) pipes, (2) boilers;
- (iii) Tearing down the product during repair and maintenance functions.

(b) Whether long term (20 years or more) exposure to electrical wire products containing 15% asbestos or less for work periods less than 8 hours a day, both indoors and outdoors, which resulted in the liberation of asbestos dust or fiber below 5 million particles per cubic foot (mppcf) might cause asbestosis or expose such worker to an increased statistical risk of contracting:

- (i) Bronchogenic cancer;
- (ii) Mesothelioma (pleural or peritoneal);
- (iii) Gastrointestinal cancer.

OBJECTIONS: See Defendant's objections to Interrogatories No. 79 and 81 which are adopted and incorporated here. In addition, Defendant objects because this interrogatory assumes that Defendant had a duty to conduct such tests at times prior to 1964, that the state of the art and knowledge concerning health effects of asbestos-containing electric wire products at times prior to 1964 was such that testing was necessary or appropriate, and that Defendant had a duty to perform, conduct or sponsor such tests at times prior to 1964.

ANSWER SUBJECT TO OBJECTIONS: No.

90. (Plaintiff's First Set of Interrogatories did not contain an Interrogatory No. 90).
91. Please identify all tests, articles, publications, pamphlets, standards and rules upon which you intend to rely at the time of trial to support your case.

OBJECTIONS: This interrogatory is overbroad in that it asks Defendant to identify essentially all matters upon which it will base its defense. Such information is attorney work product and strategy. Moreover, Defendant cannot identify all such information upon which it may rely at trial until plaintiff has presented his evidence and Defendant knows what is necessary to rebut or address that evidence.

ANSWER SUBJECT TO OBJECTIONS: Defendant relied on UL & CSA Standards previously stated.

92. Please describe and define threshold limit value of dust containing asbestos and the application of threshold limit value to the asbestos manufacturing trade.

OBJECTIONS: See objections to Interrogatories No. 79 and 89 which are adopted and incorporated here.

ANSWER SUBJECT TO OBJECTIONS: Unknown.

93. State whether or not you had an opinion in 1960, as to whether or not the concentration of airborne asbestos fibers at job sites at which your asbestos containing electrical wire products were being applied by asbestos wire mechanics were within the prescribed threshold limit values for 1960, when said application was being performed and state the basis for your opinion and list all publications upon which you relied in formulating said opinion.

OBJECTIONS: See Defendant's objections to Interrogatories No. 79, 81 and 89 which are adopted and incorporated here.

ANSWER SUBJECT TO OBJECTIONS: Unknown.

94. State the date and the source from which you received your first notice and awareness of threshold limit values pertaining to the concentration of airborne asbestos fibers.

OBJECTIONS: Defendant objects because this interrogatory is vague and unclear. Defendant does not know whether plaintiff is referring generally to the fact that TLV's were developed in the general sense or specifically as to certain electrical wire products.

ANSWER SUBJECT TO OBJECTIONS: We are unable to document when A.I.W. received its first notice and awareness of threshold limit values pertaining to the concentration of airborne asbestos fibers. The company has never been cited by OSHA.

- > 95. Describe what action was taken by you prior to 1960, to determine whether wire mechanics who were applying your asbestos containing electrical wire products were exposed to concentrations below the TLV and state the date and nature of each action taken by you.

OBJECTIONS: See Defendant's objections to interrogatories No. 79, 81 and 89 which are adopted and incorporated here.

ANSWER SUBJECT TO OBJECTIONS: None.

96. State your knowledge as to the manner in which your asbestos containing electrical wire products were cut, sawed, fabricated and prepared for application upon job sites since 1940, by asbestos wire mechanics.

ANSWER: Standard electrical installation practices should have been followed.

97. Are you aware of articles authored by W. C. Dressen, in Public Health Bulletin No. 241 OF 1938, establishing threshold limit