'93 SEP 30 PM 4 54

IN RE: ALL ASBESTOS-RELATED PERSONAL INJURY OR DEATH CASES FILED OR TO BE FILED IN DALLAS COUNTY, TEXAS	§	IN THE DISTRICT COURTS OF
	§	DALLAS COUNTY, TEXAS
	§	191st JUDICIAL DISTRICT

DEFENDANT RAPID-AMERICAN CORPORATION'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION

TO: Plaintiffs, by and through their counsel of record, Russell W. Budd, Baron & Budd, The Centrum, 3102 Oak Lawn, Suite 1100, Dallas, Texas 75219.

Defendant Rapid-American Corporation ("Rapid") by and through its attorneys of record, subject to and without waiver of Rapid's Special Appearance to Present Motion Objecting to Jurisdiction, serves and files this its Responses and Objections to Plaintiff's Interrogatories and Request for Production as follows:

I.

GENERAL OBJECTIONS

Rapid objects to all of the interrogatories and requests for production and serves and files its objections and responses subject to and without waiver of Rapids Special Appearance to Present Motion Objecting to Jurisdiction filed in this case. Rapid objects generally to the Interrogatories and Request for Production to the extent that they call for information protected by the attorney\client privilege, the attorney work product doctrine, and the investigative privilege.

Rapid objects to the interrogatories and requests for production on the grounds that the specific interrogatories contain words or phrases susceptible to various and conflicting interpreta-

Blumberg No. 6113 PLAINTIFF'S EXHIBIT W-273

tions. Consequently, responses to many of the interrogatories call for speculation on the part of Rapid. Rapid will respond to any ambiguous interrogatory based upon its reasonable interpretation of the particular interrogatory.

Rapid objects to the interrogatories and requests for production on the grounds that certain specific interrogatories are duplicative or overlapping of certain other interrogatories and duplicative of the Master Set of Interrogatories already served upon Rapid. Hence, answers or documents responsive to one interrogatory may also be responsive to several other interrogatories, making the categorization of those answers and documents unduly burdensome and oppressive. To the extent the interrogatories and requests for production are duplicative of the Plaintiffs' Master Set of Interrogatories in Dallas cases, Rapid incorporates by reference as if fully set forth herein its most recently filed responses and objections to such discovery, along with the Blaney Affidavit attached thereto.

Defendant further objects to the definitions for the reason that such definitions are overly broad and unduly burdensome. Specifically, Rapid objects to the definitions of "Defendant," "You," "Your," and "Your company," for the reason that the definition is vague, overly broad, unduly burdensome, and imposes a burden upon defendant heavier than is required by the Texas Rules of Civil Procedure. Notwithstanding such objection, Rapid does not now possess, nor has it ever possessed sufficient information to respond to the interrogatories with respect to alleged predecessors. Hence, each response indicated herein speaks only to Rapid and information known to Rapid. Rapid further objects to the interrogatories under Rule 168(5) of the Texas Rules of Civil Procedure because the interrogatories require more than thirty answers.

II.

RESPONSES AND OBJECTIONS TO 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:

Paul Weiner, Senior Vice-President
677 Madison Ave.
New York, N.Y. 10021

INTERROGATORY NO. 2:

For the time period during which asbestos-containing products were manufactured, assembled, sold or distributed by Defendant, and for the year preceding such activity, identify by date any meetings of the board of directors of Defendant at which the following topics were discussed:

(a) Asbestos-containing products;

(b) Asbestosis;

(c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and

(d) dust studies that measure asbestos dust and fibers.

ANSWER:

Rapid objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without

waiver of the foregoing specific and general objections to the best of my knowledge Rapid has never manufactured, assembled, sold or distributed any asbestos-containing products. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 3:

For the time period during which asbestos-containing products were manufactured, assembled, sold or distributed by Defendant, and for the year preceding such activity, identify by date any safety meetings, or meetings concerning safety issues, at any plant or other facility of Defendant where the following topics were discussed:

(a) Asbestos-containing products;

(b) Asbestosis;

(c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and

(d) dust studies that measure asbestos dust and fibers.

ANSWER:

Rapid objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing specific and general objections to the best of my knowledge Rapid has never manufactured, assembled, sold or distributed any asbestos-containing products. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this

interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 4:

Identify any asbestos-containing products manufactured by other companies there were sold and/or distributed by Defendant, its predecessors and/or subsidiaries. State the time periods during which any such products were sold and/or distributed.

ANSWER:

Rapid has never sold or distributed asbestos-containing products manufactured by other companies. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 5:

Identify by name and location each plant ever owned, operated, or at any time bought by or under the control of Defendant in which asbestos-containing products were manufactured, assembled, or prepared for sale or marketing, and state the time periods during which that activity took place.

ANSWER:

Rapid has never owned, operated, bought or controlled any plant in which asbestos-containing products were manufactured, assembled, or prepared for sale or marketing. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 6:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which ventilation systems were installed, or modifications to improve ventilation were made to existing systems. Provide a brief description of the changes made.

ANSWER:

See response to Interrogatory No. 5.

INTERROGATORY NO. 7:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which respirators were provided to employees.

ANSWER:

See response to Interrogatory No. 5.

INTERROGATORY NO. 8:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which warnings about the health hazards of asbestos were issued to employees.

ANSWER:

See response to Interrogatory No. 5.

INTERROGATORY NO. 9:

Identify by name and location each plant ever owned, operated or at a later date bought or under control of Defendant in which asbestos-containing products were used, and state the time periods during which such products were used at each plant.

ANSWER:

To the best of my knowledge, Rapid has never owned, operated, bought or controlled a plant at which asbestos-containing products were used. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 10:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which ventilation systems were installed, or modifications to improve ventilation were made to any existing ventilation systems. Provide a brief description of the changes made.

ANSWER:

See response to Interrogatory No. 9.

INTERROGATORY NO. 11:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which respirators were provided to any employees using asbestos-containing products.

ANSWER:

See response to Interrogatory No. 9.

INTERROGATORY NO. 12:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which warnings about the health hazards of asbestos were issued to employees.

ANSWER:

See response to Interrogatory No. 9.

INTERROGATORY NO. 13:

Prior to 1990, did any person file a claim against a Workers' Compensation carrier covering Defendant, its predecessors, and/or its subsidiaries, alleging that he/she contracted a disease from inhaling asbestos fibers while employed by Defendant, its predecessors, and/or its subsidiaries? 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; and

(d) the name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Rapid objects to this interrogatory because it seeks information that is irrelevant and not reasonably calculated to led to the discovery of admissible evidence. Subject to and without waiver of such objection, to the best of my knowledge and because Rapid has never engaged in the asbestos business in any manner whatsoever, no persons filed a claim against a workers' compensation carrier covering Rapid claiming injury from asbestos products prior to 1990. Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid.

INTERROGATORY NO. 14:

State the time periods, if any, during which Defendant was a member of each of the following organizations:

(a) Asbestos Textile Institute (ATI);

(b) Quebec Asbestos Mining Association (QAMA);

(c) National Insulation Manufacturers Association (NIMA);

(d) Industrial Hygiene Foundation (IHF);

(e) Air Hygiene Foundation (AHF);

(f) Asbestos Information Association (AIA); and

(g) American Conference of Governmental Industrial Hygienists (ACGIH).

ANSWER:

Rapid objects to this interrogatory because it seeks information that is irrelevant and not reasonably calculated to led to the discovery of admissible evidence. Subject to and without waiver of such objection, to the best of my knowledge, because Rapid has never engaged in the asbestos business in any manner whatsoever, Rapid has never been a member of the organizations listed in Interrogatory No. 14.

INTERROGATORY NO. 15:

State the dates and amounts of any financial contributions that were made by this Defendant to each of the following organizations:

(a) Asbestos Textile Institute (ATI);

(b) Quebec Asbestos Mining Association (QAMA);

(c) National Insulation Manufacturers Association (NIMA);

(d) Industrial Hygiene Foundation (IHF);

(e) Air Hygiene Foundation (AHF);

(f) Asbestos Information Association (AIA); and

(g) American Conference of Governmental Industrial Hygienists (ACGIH).

ANSWER:

Rapid objects to this interrogatory because it seeks information that is irrelevant and not reasonably calculated to led to the discovery of admissible evidence. Subject to and without waiver of such objection, to the best of my knowledge, because Rapid has never engaged in the asbestos business in any manner whatsoever, Rapid has never made financial contributions to the organizations listed in Interrogatory No. 15.

INTERROGATORY NO. 16:

Has any employee or agent of Defendant ever testified before any governmental entity regarding asbestos, asbestos-containing products or diseases related to the inhalation of asbestos dust or fibers? If so, provide the name of each person so testifying, and the name, date, and location of each hearing.

ANSWER:

See general objections. Subject to and without waiver of Rapid's general objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid. To the best of my knowledge, Rapid has not testified before any governmental entity regarding asbestos, asbestos-containing products or diseases related to asbestos.

INTERROGATORY NO. 17:

Before 1974, did Defendant ever furnish any papers, documents, internal memoranda, or other writings concerning asbestos-related diseases and/or the health hazards of inhaling asbestos dust and fibers to the United States Public Health Service or to any other governmental agencies? If so, identify the writings and the dates they were so furnished.

ANSWER:

See general objections. Subject to and without waiver of Rapid's general objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid. To the best of my knowledge, the answer to this interrogatory is: No.

INTERROGATORY NO. 18:

Before 1974, did Defendant ever furnish any papers, documents, internal memoranda, or other writings concerning asbestos-related diseases and/or the health hazards of inhaling asbestos dust and fibers, to the United States Navy or United States Naval Facilities? If so, identify the writings and the dates they were so furnished.

ANSWER:

See general objections. Subject to and without waiver of Rapid's general objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid. To the best of my knowledge, the answer to this interrogatory is: No.

INTERROGATORY NO. 19:

Did Defendant ever provide any information to a military or other governmental entity concerning the health hazards of inhaling asbestos dust and fibers that was used, or was intended to be used, in the drafting of military specifications for the use of asbestos-containing products?

ANSWER:

See general objections. Subject to and without waiver of Rapid's general objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid. To the best of my knowledge, the answer to this interrogatory is: No.

INTERROGATORY NO. 20:

Did Defendant ever provide information to a military or other governmental entity that was used or intended to be used in drafting military specifications for the design of asbestos-containing products? If so, for each entity:

(a) State the name of the entity;

(b) Describe the information provided; and

(c) Give the dates on which the information was provided.

ANSWER:

See general objections. Subject to and without waiver of Rapid's general objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to

Rapid and information known to Rapid. To the best of my knowledge, the answer to this interrogatory is: No.

INTERROGATORY NO. 21:

Did any employee or agent of Defendant ever receive a copy of any of the following articles? If so, for each article, state the name of the recipient and the date the article was received:

(a) WALDEMAR DREESSEN, "A Study of Asbestosis in the Asbestos Textile Industry," U.S. Treasury Dept. Public Health Bull. No. 241, August, 1938.

(b) WALTER FLEISCHER, PHILLIP DRINKER, et al., "Health Survey of Pipe Covering Operations in Constructing Naval Vessels," Journ. Industrial Hyg. & Tox. 28:9 (1946).

(c) RICHARD DOLL, "Mortality from Lunch Cancer in Asbestos Workers," Brit. J. Indstr. Med. 12: 81-86 (1955).

(d) E.R.A. MEREWETHER, "The Occurrence of Pulmonary Fibrossi and Other Pulmonary Affections in Asbestos Workers," J. Ind. Hyg., Vol. XII (1930).

ANSWER:

Rapid objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See general objections. Subject to and without waiver of Rapid's general and specific objections herein, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Rapid's response herein speaks to Rapid and information known to Rapid. Rapid further objects to this interrogatory as being vague, overly

broad and unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 22:

Has Defendant ever conducted any tests or studies concerning the effects of the inhalation of asbestos dust or fibers on the animal or human respiratory system? If so, provide the name, date and location of each test or study and state by whom in the corporation the report of the results was received.

ANSWER:

Defendant objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general and specific objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors.

INTERROGATORY NO. 23:

Has Defendant ever litigated the issue of insurance coverage in a case involving exposure to asbestos? If so, for each case state:

(a) the names of the parties, the court, and the case number;

(b) the filing date;

(c) the name and address of the attorneys representing the insurance carrier; and

(d) whether the case has been settled.

ANSWER:

Rapid objects to this interrogatory because it is vague and beyond the scope of permissible discovery under the Texas Rules of Civil Procedure. Rapid further incorporates its

general objections. Notwithstanding the foregoing objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors. Subject to the foregoing objections, Rapid is a party to a declaratory judgment suit with CNA Insurance Company involving the issue of insurance coverage for claims involving alleged asbestos exposure. No final adjudication on the issue of CNA's obligation to indemnify Rapid has been made.

INTERROGATORY NO. 24:

Has Defendant ever conducted any tests or studies concerning the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke? If so, provide the names and dates of each test or study.

ANSWER:

Rapid objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors.

INTERROGATORY NO. 25:

To date, has Defendant furnished any information to consumers, other users of asbestos-containing products, or to the general public, about the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke? If so, state how and when this information was conveyed.

ANSWER:

Rapid objects to this interrogatory because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors.

INTERROGATORY NO. 26:

To date, has Defendant ever attempted to recall its asbestos-containing products?

ANSWER:

To the best of my knowledge, Rapid has never manufactured, produced, distributed or marketed asbestos-containing products. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors.

INTERROGATORY NO. 27:

Describe in detail:

(a) How your documents relating to asbestos, asbestos diseases, and asbestos-containing products are maintained;

(b) How your documents relating to asbestos, asbestos diseases and asbestos-containing products are organized; and

(c) Where these documents are kept.

ANSWER:

To the best of my knowledge, Rapid has never manufactured, produced, distributed or marketed asbestos-containing products. Notwithstanding Rapid's general objections, Rapid does

not now possess, nor has it ever possessed sufficient information to respond to this interrogatory with respect to alleged predecessors.

Respectfully submitted,

JENKENS & GILCHRIST
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202
(214) 855-4500

Susan M. Hull
State Bar No. 10255100

Of Counsel:

Stephen A. Marshall
Paul H. Aloe
Craig Weiner

Rubin Baum Levin Constant & Friedman
30 Rockefeller Plaza
New York, New York 10112
(212) 698-7700

VERIFICATION

STATE OF NEW YORK §
§ ss.:
COUNTY OF NEW YORK §

Paul Weiner, being duly sworn, deposes and says that deponent is the Senior Vice-President of Rapid American Corporation, the corporation named in the within action. Deponent has read the foregoing Responses and Objections to Interrogatories and knows the contents thereof, and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponents believes it to be true.

_____
Paul Weiner

SUBSCRIBED and SWORN to before me, this ____ day of _____, 1993.

_____
Notary Public, State of New York

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand-delivery and certified mail, return receipt requested, upon the following counsel of record on the 30th day of September, 1993:

PLAINTIFFS
Russell W. Budd
Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Joseph F. Bruegger
Silber, Pearlman, Worthington & Bruegger
1000 Highland Park Place
4514 Cole Ave. LB 34
Dallas, Texas 75205

Susan M. Hull

RESPONSES AND OBJECTIONS TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of the minutes of any meetings of the board of directors of Defendant at which the following topics were discussed:

(a) Asbestos-containing products;

(b) Asbestosis;

(c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and

(d) dust studies that measure asbestos dust and fibers.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 2:

Produce copies of the minutes of any safety meetings or any meetings at any plant or facility of Defendant where the following topics were discussed:

(a) Asbestos-containing products;

(b) Asbestosis;

(c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and

(d) dust studies that measure asbestos dust and fibers.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 3:

Produce copies of the patents obtained for the asbestos-containing products manufactured, assembled, and/or prepared for sale or marketing by Defendant.

RESPONSE:

To the best of my knowledge, Rapid has never manufactured, assembled and/or prepared for sale or marketing asbestos-containing products. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 4:

Produce copies of the patents obtained for those asbestos-free products intended to be substitutes for asbestos-containing products manufactured, assembled, or prepared for sale or marketing by Defendant.

RESPONSE:

To the best of my knowledge, Rapid has never manufactured, assembled and/or prepared for sale or marketing asbestos-free products intended to be substituted for asbestos-containing products. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 5:

Produce copies of the testimony of each and every employee or agent of Defendant at each and every hearing by a governmental entity concerning asbestos, asbestos-containing products, or diseases related to the inhalation of asbestos dust and fibers.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 6:

Produce copies of every test or study that measured the asbestos fibers or measured the asbestos dust and/or fiber levels at every plant owned, operated, bought by or under the control of Defendant. Provide the dates for each test or study.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's

general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 7:

Produce copies of every test or study received by Defendant that measured asbestos fibers or measured the asbestos dust and/or fiber levels at the Thetford Mines.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 8:

Produce all documents in the possession, custody, or control of Defendant relating to the Braun & Truan study done for the Quebec Asbestos Mining Association.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 9:

Produce copies of all documents which contain any reference to tests or studies that found either asbestos dust, or total dust including asbestos, in quantities exceed 2 million particles per cubic foot of air, at any plant owned, operated, bought by or under the control of Defendant,

during the manufacture, assembly, or preparation for sale or assembly, of any asbestos-containing products.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 10:

Produce copies of all documents which contain any reference to tests or studies which found either asbestos dust, or total dust including asbestos, in quantities exceeding 5 million particles per cubic foot of air, at any plant owned, operated, bought by or under the control of Defendant, during the use of any asbestos-containing products.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 11:

Produce copies of any and all tests or studies conducted by Defendant concerning the effects of the inhalation of asbestos dust or fibers on animal or human respiratory systems.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

REQUEST FOR PRODUCTION NO. 12:

Produce copies of all documents produced during the course of Defendant's litigation with any insurance carrier concerning exposure to asbestos.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, because it is beyond the scope of discovery permitted by the Texas Rules of Civil Procedure and because it is unduly burdensome and overly broad.

REQUEST FOR PRODUCTION NO. 13:

Produce copies of all depositions taken by any party during the course of Defendant's litigation with any insurance carrier concerning exposure to asbestos.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, because it is beyond the scope of discovery permitted by the Texas Rules of Civil Procedure and because it is unduly burdensome and overly broad.

REQUEST FOR PRODUCTION NO. 14:

Produce copies of any tests or studies conducted by, or received by, Defendant concerning the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke.

RESPONSE:

Rapid objects to this request because it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding Rapid's general objections, Rapid does not now possess, nor has it ever possessed sufficient information to respond to this request with respect to alleged predecessors.

Respectfully submitted,

JENKENS & GILCHRIST
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202
Telephone: (214) 855-4500
Telecopy: (214) 855-4300

Susan M. Hull
State Bar No. 10255100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand-delivery and certified mail, return receipt requested, upon the following counsel of record on the 30th day of September, 1993:

PLAINTIFFS
Russell W. Budd
Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Joseph F. Bruegger
Silber, Pearlman, Worthington & Bruegger
1000 Highland Park Place
4514 Cole Ave. LB 34
Dallas, Texas 75205

Susan M Hull

VERIFICATION

STATE OF NEW YORK §
§ ss.:
COUNTY OF NEW YORK §

Paul Weiner, being duly sworn, deposes and says that deponent is the Senior Vice-President of Rapid American Corporation, the corporation named in the within action. Deponent has read the foregoing Responses and Objections to Interrogatories and knows the contents thereof, and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponents believes it to be true.

Paul Weiner

SUBSCRIBED and SWORN to before me, this 7th day of Oct., 1993.

Notary Public, State of New York

ANTHONY N. LI CALSI
Notary Public, State of New York
No. 60-7542207
Qualified in Westchester County
Certificate Filed in New York County
Commission Expires April 30, 1994