

NO. 93-03625-I

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APR 25 1994

BARON & BUDD

HELEN GAMBRELL, Individually and as)
the Special Administratrix of the Estate of)
ROBERT GAMBRELL, Deceased,)

Plaintiff,)

vs.)

THE ABER COMPANY, et al.,)

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS



**ERICSSON RADIO SYSTEMS, INC.'S ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**

COMES NOW the defendant, Ericsson Radio Systems, Inc. (hereinafter "Ericsson"), by counsel, and makes these its Responses to Plaintiffs' First Set of Interrogatories and Request for Production of Documents, specifically reserving the right to protest the admissibility of these interrogatory answers at trial.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Ericsson Radio Systems, Inc. (hereinafter "Ericsson"), is a large corporation whose product and service business is undergoing constant change and growth. Throughout its history, the makeup of this corporation has undergone numerous changes.

Inasmuch as the instant matter involves allegations of alleged exposure to asbestos-containing wire and cable, Ericsson's responses to these interrogatories and requests for production are limited to its knowledge and information respecting any such wire and cable that may have been manufactured by Anaconda Wire & Cable or Continental Wire & Cable Company because Ericsson never manufactured asbestos-containing wire and cable. Anaconda Wire & Cable Company and Continental Wire & Cable Company, which at one time were divisions of

SC-ELEC-10680

Ericsson or its predecessors, did manufacture asbestos-containing wire and cable which were a minute portion of the wire and cable manufactured by these companies.

Defendant Ericsson objects to this entire set of interrogatories and requests for production of documents and to each of them on the ground that they exceed the permissible scope of discovery and on the further ground that they seek information which is neither relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

Ericsson objects to these interrogatories and requests for production of documents on the grounds that they are overbroad, as to time and geographic boundaries, are unduly burdensome, and not reasonably limited in time and scope.

Ericsson objects to these interrogatories and requests for production of documents to the extent that they seek to assume the truth of matters not established and on the grounds that they seek privileged information, proprietary information, confidential trade information, marketing information, chemical compositions or other information or materials which have been gathered or prepared in the course of litigation or which are otherwise subject to the attorney-client privilege, the attorney work product privilege, and the Texas Rules of Civil Procedure which protect materials prepared in anticipation of and/or in connection with litigation or any other applicable privileges. Ericsson objects to the disclosure of any mental impressions of its attorneys, their conclusions, opinions, memoranda, notes or summaries, legal research or legal theories pursuant to the Texas Rules of Civil Procedure.

answers at trial. Furthermore, Ericsson reserves the right to assert further objections to these interrogatories and requests for production of documents. This introduction and general objection contained herein are specifically made a part of and incorporated by reference into each of the answers set forth below.

INTERROGATORIES

1. As to each and every Plaintiff within this consolidated action, please state the following with respect to each expert witness you may call during trial of this case. Please designate with specificity the expert witnesses that you may call in each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group.

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;
- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;
- (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, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs' within the group;
- (e) Identify all documents or other materials, including but not limited to x-rays, pathology, CT-Scans, you have provided to each person identified in response to subparagraph (a) above, specific as to each individual Plaintiff's case, separate and distinct from all other Plaintiffs within the group;
- (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

See Preliminary Statement and General Objections. Ericsson objects in that this interrogatory is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Ericsson will identify its expert

witnesses, provide curriculum vitae, and copies of their reports as required by the Texas Rules of Civil Procedure and the local rules of this court. Discovery is ongoing.

2. 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 this case 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.
 - (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;
 - (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 Plaintiffs within the group, alleged injuries and/or damages;
 - (d) each of Defendant's defenses enumerated in Defendant's last filed Answer.

ANSWER

See Preliminary Statement and General Objections. Ericsson objects in that this interrogatory is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Ericsson will provide the identity of all fact witnesses that it intends to use at trial in compliance with the local rules of this court and the Texas Rules of Civil Procedure. Discovery is ongoing.

3. Please identify documents of things, including x-rays, MRIs, CT-Scans or other materials, 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

See Preliminary Statement and General Objections. Ericsson objects in that this interrogatory is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Ericsson will provide copies of its exhibits as required by the local rules of this court and the Texas Rules of Civil Procedure. Discovery is ongoing.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please provide a copy of all documents and other materials, other than Depositions and Medical History provided by Plaintiff, and reports identified in Answer to Interrogatory No. 1(d).

ANSWER

See Preliminary Statement and General Objections. See Answer to Interrogatory No. 1.

2. Please provide a copy of all documents and reports other than Depositions and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 1(e).

ANSWER

See Preliminary Statement and General Objections. See Answer to Interrogatory No. 1.

3. - Please provide a copy of all documents, reports and other materials identified in Answer to Interrogatory No. 3.

ANSWER

See Preliminary Statement and General Objections. See Answer to Interrogatory No. 3.

4. Please produce any and all x-rays, MRI's, CT-Scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

ANSWER

See Preliminary Statement and General Objections. Ericsson objects in that this request for production is overbroad, unduly burdensome, unlimited in time and scope, and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Ericsson responds as follows: No such documents exist at this time; discovery is ongoing.

This 20th day of April, 1994.

FREEMAN & HAWKINS

H. Lane Young by att
H. Lane Young

Ollie M. Harton
Ollie M. Harton
Texas State Bar No. 09170220

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ATTORNEYS FOR DEFENDANT ERICSSON
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HELEN GAMBRELL, Individually and as) IN THE DISTRICT COURT
the Special Administratrix of the Estate of)
ROBERT GAMBRELL, Deceased,)
Plaintiff,)
vs.) DALLAS COUNTY, TEXAS
THE ABER COMPANY, et al.,)

STATE OF _____)

COUNTY OF _____)

Personally appeared before the undersigned officer duly authorized to administer oaths, Regis Lageman, who, being first duly sworn, avers and says that he was employed as an engineer by Continental Wire & Cable Company and in such capacity is authorized to make Affidavit on behalf of said Company, and further states that he has read the within and foregoing **DEFENDANT ERICSSON RADIO SYSTEMS, INC.'S RESPONSES TO PLAINTIFFS' FIRST STANDARD SET OF SUPPLEMENTAL INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** and that the answers and responses set forth therein are true and correct to the best of his knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT.

Regis Lageman

SUBSCRIBED AND SWORN TO before me
this __ day of _____, 1994.

Notary Public

My commission expires: _____

HELEN GAMBRELL, Individually and as) IN THE DISTRICT COURT
the Special Administratrix of the Estate of)
ROBERT GAMBRELL, Deceased,)
Plaintiff,)
vs.) DALLAS COUNTY, TEXAS
THE ABER COMPANY, et al.,)
_____)

STATE OF _____)

COUNTY OF _____)

Personally appeared before the undersigned officer duly authorized to administer oaths,
Erich Kothe, who, being first duly sworn, avers and says that he was employed as an engineer by
Anaconda Wire & Cable Company and in such capacity is authorized to make Affidavit on behalf
of said Company, and further states that he has read the within and foregoing **ERICSSON
RADIO SYSTEMS, INC.'S RESPONSES TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** and
that the answers and responses set forth therein are true and correct to the best of his knowledge,
information, and belief.

FURTHER AFFIANT SAYETH NOT.

Erich Kothe

SUBSCRIBED AND SWORN TO before me
this __ day of _____, 1994.

Notary Public

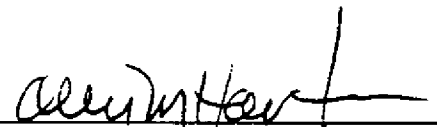
My commission expires: _____

HELEN GAMBRELL, Individually and as	)	IN THE DISTRICT COURT
the Special Administratrix of the Estate of	)	
ROBERT GAMBRELL, Deceased,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	DALLAS COUNTY, TEXAS
	)	
THE ABER COMPANY, et al.,	)	
_____	)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record with a copy of ERICSSON RADIO SYSTEMS, INC.'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT by the United States Mail, postage prepaid, addressed to all parties on the attached Service List.

This 20th day of April, 1994.


Ollie M. Harton

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