



IN RE: ALL ASBESTOS-RELATED § IN THE DISTRICT COURTS OF
PERSONAL INJURY OR §
DEATH CASES FILED OR § DALLAS COUNTY, TEXAS
TO BE FILED IN DALLAS § 55 JUN 5 PM 2:44
COUNTY, TEXAS § 191st JUDICIAL DISTRICT

BILL LONG
DISTRICT CLERK

**CSR AMERICA, INC.'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' MASTER INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO DEFENDANTS**

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

Subject to and without waiver of any Special Appearances filed to contest and object to personal jurisdiction and pursuant to Texas Rule of Civil Procedure 168, CSR America, Inc. ("CSR America") files its Objections and Responses to Plaintiffs' Master Interrogatories (the "Interrogatories") and to Plaintiffs' Requests for Production (the "Requests for Production") to Defendants and respectfully shows as follows:

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. CSR America was incorporated in 1981 as CMR Holdings (USA) Limited. CMR subsequently changed its name to RMC Holdings (USA) Limited and then to CSR America, Inc. CSR America has never mined, manufactured, sold, distributed, designed, marketed, re-labeled, installed, applied, purchased, or supplied any asbestos or "asbestos-containing product." In short, CSR America has never had any involvement of any kind with asbestos or asbestos-containing products. Therefore, CSR America objects to each of the Interrogatories and

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Requests for Production because, as to CSR America, they are unnecessarily overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

2. CSR America has never acquired or held the assets or liabilities of any business entity which has mined, manufactured, sold, distributed, designed, marketed, re-labeled, installed, applied, purchased, or supplied any asbestos or "asbestos-containing product." Therefore, CSR America objects to each of the Interrogatories and Requests for Production because, as to CSR America, they are unnecessarily overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

3. CSR America notes that it has pending special appearances seeking to dismiss any Dallas County, Texas asbestos actions against it on the basis that the courts lack personal jurisdiction over it in such actions. CSR America's objections and responses to the Interrogatories and Requests for Production are expressly made subject to and without waiver of any personal jurisdiction arguments.

4. CSR America objects to the Interrogatories and Requests for Production to the extent they are overbroad, unduly burdensome, harassing, oppressive, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence to the extent that they request information not related to the

specific claims of any Plaintiff in Dallas County, Texas asbestos litigation who has asserted claims against CSR America. See TEX. R. CIV. P. 166b.

5. CSR America objects to the Interrogatories and Requests for Production to the extent that they seek information protected by the attorney-client communication privilege, the attorney work product doctrine, the party communication privilege, the joint defense privilege, any other applicable privilege or exemption from discovery or for which CSR America has contractual or fiduciary obligations, whether express or implied, to maintain as confidential. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

6. CSR America objects to the Interrogatories and Requests for Production to the extent that they seek to impose obligations upon CSR America beyond those contained in the Texas Rules of Civil Procedure.

7. CSR America objects to the length, repetitiveness, and scope of the Interrogatories and Requests for Production. There are 64 Interrogatories, most of which have numerous sub-parts. In addition, none of the Interrogatories or Requests for Production are limited to information regarding products to which any Plaintiff asserting claims against CSR America allege exposure. Rather, the Interrogatories and Requests for Production seek information without any reasonable limitation. CSR America therefore objects to the Interrogatories and Requests for Production because they seek information that is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and because they are overbroad, unduly burdensome, harassing, and oppressive. See TEX. R. CIV. P. 166b.

8. CSR America objects to definition 1 of the Interrogatories and Requests for Production to the extent that it defines "Defendant," "You," "Your company," "Predecessors," and "Subsidiaries" to include entities that are legally separate and distinct from CSR America. CSR America objects to this definition, to the extent it seeks to impose upon CSR America the burden of responding to the Interrogatories and Requests for Production not only with respect to its own activities, but all of those of every CSR America subsidiary. These subsidiaries are separate, independent entities, and information in their files is not within the possession, custody or control of CSR America within the meaning of the Texas Rules of Civil Procedure. Moreover, the activities of these subsidiaries (as well as the activities of CSR America) are wholly irrelevant to plaintiff's claims, and information concerning them is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, requiring CSR America to produce such information would impose an undue burden and hardship upon CSR America with no resulting benefit to any party. *See* TEX. R. CIV. P. 166b.

9. CSR America objects to definition 2 of the Interrogatories and Requests for Production to the extent that it defines "document," "documents," "written materials," and "printed matter" to include materials that (1) "are now or were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession, custody or control of their subsidiaries whether domestic or international, or merged or acquired predecessors);" or (2) "are known or believed to be responsive ... regardless of who now has or formerly had custody, possession or control." This definition is overbroad, unduly

burdensome, harassing, oppressive, not reasonably calculated to lead to the discovery of admissible evidence, and it seeks to impose obligations upon the responding party not contained in the Texas Rules of Civil Procedure because it would require the responding party to provide information regarding materials that may not currently exist or materials that are not now or may never have been in the possession, custody, or control of the responding party or that relate to legally separate and distinct entities. *See* TEX. R. CIV. P. 166b.

10. CSR America objects to definition 6 of the Interrogatories and Requests for Production that define "product containing asbestos fibers," asbestos-containing products," "asbestos products," and "asbestos materials," and "product" to the extent that it pertains to products not relevant to CSR America or any claims asserted against CSR America in Dallas County, Texas asbestos litigation because it renders the Interrogatories and Requests for Production overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

II.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

CSR America incorporates the foregoing Preliminary Statement and General Objections into its response to each of the Interrogatories. Subject to and

without waiver of those objections, CSR America provides the following responses to the 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.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Richard Robert Peacock; 945 E. Paces Ferry Road, Suite 2110, Atlanta, Georgia 30326-1125; Chief Financial Officer, Secretary and Treasurer of CSR America, Inc.; seven years

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Yes; CSR America, Inc.; Georgia; 945 E. Paces Ferry Road, Suite 2110, Atlanta, Georgia 30326-1125; same; No.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos

fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: No.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: None.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: None.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.

- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos containing product.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Not applicable.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.

- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Not applicable.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Not applicable.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.

- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR answers as follows: Not applicable.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.

- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

- A. The names of the products changed or modified.

- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and

General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions regarding products which have no relationship to CSR America. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is vague and ambiguous, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions regarding products which have no relationship to CSR America. See TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communication privilege, the joint defense privilege, the consulting expert privilege and/or any other

applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX R. CIV. P. 166b.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad, unduly

burdensome, and harassing. See TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory to the extent that it calls for information exclusively within the possession, custody, or control of third-parties, such as a description of any documents ever "published, written or disseminated" by organizations not related to CSR America. Subject to and without waiver of those objections, CSR America answers: it is not nor has ever been a member of any organization concerned with the promotion or use of asbestos or asbestos containing products.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it calls for medical expert opinion, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it calls for medical expert opinion, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it calls for medical expert opinion, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.

- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it calls for medical expert opinion, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 29:

As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?

- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it calls for medical expert opinion, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to

lead to the discovery of admissible evidence, and seeks admissions regarding products which have no relationship to CSR America. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory to the extent that it seeks information regarding any "materials" purchased from any other company because it is completely overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers with respect to asbestos materials or asbestos-containing products: Not applicable.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America further objects to this Interrogatory because it is not limited to the Plaintiffs' claims and therefore it exceeds the scope of permissible discovery and is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, and harassing. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or

otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.

- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and

General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory because it seeks disclosure of CSR America's trial strategy and information protected from discovery by the attorney-client privilege and the attorney work product exemption. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers: CSR America has not yet determined the witnesses whom it may call to testify at trial, if it is not dismissed from any asbestos-related actions prior to that time.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: No.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessors ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory because the phrase "dust level counts" is unlimited, vague and ambiguous, and, to the extent that it seeks information regarding testing for airborne materials other than asbestos dust or fibers, it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, and unduly burdensome. See TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 46:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. CSR America further objects to this Interrogatory because it is unlimited in time and scope, the phrase "dust level counts" is vague and ambiguous and because it seeks information regarding testing for airborne materials other than asbestos dust or fibers. Therefore, the Interrogatory is overbroad, unduly burdensome, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers with respect to the information sought by Interrogatory No. 45: Not applicable.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessors ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America further objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, overbroad, and seeks admissions regarding products which have no relationship to CSR America. *See* TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessors or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessors spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship either to CSR America or to the Plaintiffs' alleged injuries, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b. CSR Limited

also objects to this Interrogatory to the extent that it relates to items or products not containing asbestos because it is overbroad, harassing, oppressive, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessors or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship either to CSR America or to the Plaintiffs' alleged injuries, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 50:

Did your company or its predecessors or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 51:

Did your company or its predecessors or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 52:

Has your company, or your predecessors or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 53:

Did your company or its predecessors or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and

General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 56:

Did your company or its predecessors or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America further objects to this Interrogatory because it is overbroad, unduly burdensome, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions regarding products which have no relationship to CSR America. See TEX. R. CIV. P. 166b.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessors or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this

Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America answers: Not applicable.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (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;
- (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;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (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.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 166b. CSR America also objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client communication privilege, attorney work product doctrine, party communication privilege, consulting expert exemption, joint defense privilege, or any other applicable privilege or exemption from discovery.

See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers: CSR America has not yet determined the expert or lay witnesses whom it may call to testify at trial, if it is not dismissed from any asbestos-related actions prior to that time. CSR America reserves the right, if necessary, to call, among others, any of the following expert witnesses at trial:

- a. Any witness identified, listed, or designated as an expert by any other party, live or by deposition;
- b. Any treating or examining physician for the Plaintiffs (including any physician involved in the independent medical examination of the Plaintiffs or Plaintiffs' decedents or involved in review of the Plaintiffs' or Plaintiffs' decedents medical records or pathology), live or by deposition;
- c. Any physician or medical practitioner who has examined, treated, conducted, analyzed, or cared for any tests (including, but not limited to, pulmonary function tests, x-rays and other radiological studies) on Plaintiffs or on Plaintiffs' decedents, live or by deposition;
- d. Any physician or medical practitioner who has seen, reviewed, studied, or examined any records, tissues, or fluids of the Plaintiffs or Plaintiffs' decedent, live or by deposition;
- e. Any custodian of all applicable medical records of the Plaintiffs or Plaintiffs' decedents, live or by deposition;

- f. Any expert witness necessary for rebuttal of Plaintiffs' case, live or by deposition.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiffs, 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 Plaintiffs, 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 in each of these cases.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad, unduly burdensome, and harassing. *See* TEX. R. CIV. P. 166b. CSR America further

objects to this Interrogatory to the extent that it seeks information beyond the scope of discovery permitted by the Texas Rules of Civil Procedures. CSR America also objects to this Interrogatory to the extent that it requests information exclusively within the Plaintiffs' or other third parties' possession, custody, or control. CSR America also objects to this Interrogatory to the extent that it seeks information regarding Plaintiffs who have not asserted claims against CSR America. Subject to and without waiver of those objections, CSR America answers: The CSR America officer identified above who provided responses to these Interrogatories, as well as other employees of CSR America, has knowledge that CSR America has never had any association with asbestos or asbestos-related products. With respect to facts specific to individual Plaintiffs' allegations, CSR America responds that information regarding persons who have knowledge of such facts is exclusively within the possession, custody and control of Plaintiffs, is not known to CSR America, and discovery of those facts is not complete.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory to the extent that it exceeds the scope of discovery permitted by the Texas Rules of Civil Procedure and seeks information protected from discovery by the attorney-client communication privilege, the attorney work product doctrine,

the party communication privilege, the joint-defense privilege and/or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. CSR America further objects to this Interrogatory to the extent that it is overbroad, unduly burdensome, harassing, and oppressive to answer. See TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America answers: CSR America has not yet determined the documents that it may use at trial, if it is not dismissed from any asbestos-related actions prior to that time.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessor-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and addresses) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. See TEX. R. CIV. P. 166b. Moreover, CSR America objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the joint defense privilege, the investigative privilege and/or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;

- d. please identify the name(s) and addresses) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory 63(a) above;
- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above?

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America also objects to this Interrogatory because it is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, seeks admissions regarding products which have no relationship to CSR America, and is overbroad and harassing. *See* TEX. R. CIV. P. 166b. Moreover, CSR America objects to this Interrogatory to the extent that it seeks information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the joint defense privilege, the investigative privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

III.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

CSR America incorporates the foregoing Preliminary Statement and General Objections into its response to each of the Requests for Production. Subject to and without waiver of those objections, CSR America provides the following responses to the Requests for Production.

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. Subject to and without waiver of those objections, CSR America responds: Not applicable.

REQUEST FOR PRODUCTION NO. 2:

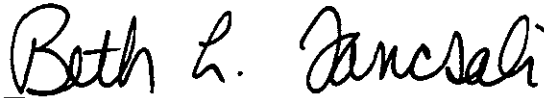
Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America further objects to this Request for Production to the extent that it seeks production of documents which are equally available to the Plaintiffs as to CSR America. CSR America also objects to this Request for Production because it is irrelevant, immaterial, overbroad, harassing, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions or information regarding entities which have no relationship to asbestos or asbestos-containing products or to any of

Plaintiffs' alleged injuries and regarding entities that are legally separate and distinct from CSR America and are not parties to this action. See TEX. R. CIV. P. 166b.

Respectfully submitted,



Robin P. Hartmann
State Bar No. 09168000
Beth L. Fancsali
State Bar No. 06800400

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ATTORNEYS FOR DEFENDANT
CSR AMERICA, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been sent to Plaintiffs' counsel of record in accordance with the Texas Rules of Civil Procedure on this 5th day of June, 1995.



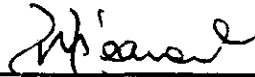
Beth L. Fancsali

d-0205873.01

VERIFICATION

STATE OF GEORGIA §
§
COUNTY OF FULTON §

Richard Robert Peacock, the Chief Financial Officer, Secretary and Treasurer of CSR America, Inc., being duly sworn, says that he has read the foregoing Objections and Responses to Plaintiffs' Master Interrogatories (the "Interrogatory Responses"), that he is authorized to sign the Interrogatory Responses, that some of the matters stated in the Interrogatory Responses are not necessarily within his personal knowledge, but that there is not an officer or employee of CSR America, Inc. who has personal knowledge of all such matters, and that the facts stated in the Interrogatory Responses were assembled by authorized personnel through a review of CSR America, Inc. documents and are true and correct.



Richard Robert Peacock

SUBSCRIBED AND SWORN TO BEFORE ME at Atlanta, Georgia on
2nd Day of June, 1995.

Notary Public, Gwinnett County, Georgia
My Commission Expires March 11, 1997



Notary Public Signature

(PERSONALIZED SEAL)

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