IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 25 1970
JAMES R. COONEY, CLERK
BY DEPUTY Virginia R. Sessa

CLARENCE BOREL	X	
	X	
V.	X	CIVIL ACTION
	X	NO. 6449
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL.	X	

OBJECTIONS T O INTERROGATORIES

COMES NOW Owens-Corning Fiberglas Corporation, one of the defendants in the above styled and numbered civil action, and in response to the interrogatories served by plaintiff upon its undersigned counsel on March 21, 1970, respectfully objects thereto upon the following good and sufficient grounds:

-1-

This defendant objects to that portion of Interrogatory No. 4 requesting that certain reports be attached to the answer thereto, for the reason that Federal Rule 33 does not authorize or require the same.

-2-

This defendant objects to Interrogatory No. 7 for the following reasons:

(a) The same does not inquire as to any matter of fact as suthorized by Federal Rule 33;

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(c) The same is too broad and general, not being directed at any specific occupational disease;

(d) The same is so vague and indefinite that this defendant cannot answer.

-3-

This defendant objects to that portion of Interrogatory No. 8 requesting that a report be attached to the

262

Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/1

answer thereto, for the reason that Federal Rule 33 does not authorize or require the same.

-4-

This defendant objects to that portion of Interrogatory No. 9 requesting that copies of certain studies be attached to the answer thereto, for the reason that Federal Rule 33 does not authorize or require the same.

-5-

This defendant objects to Interrogatory No. 11 for the following reasons:

(a) The same inquires as to a matter that upon its face, reflects not to be within the personal knowledge of this defendant and is therefore without the purview of Federal Rule 33;

(b) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(c) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(d) The same is so vague and indefinite that this defendant can not answer.

-6-

This defendant objects to Interrogatory No. 12 for the following reasons:

(a) The same inquires as to a matter that, upon its face, reflects not to be within the personal knowledge of this defendant and is therefore without the purview of Federal Rule 33;

(b) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(c) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

263

The Borel v. Fibreboard Case File (1969-1972), Objections to interrogatories
ACL Doc 10146 · Page 2 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/2

(d) The same is so vague and indefinite that this defendant can not answer.

-7-

This defendant objects to Interrogatory No. 13 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a matter of law not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-8-

This defendant objects to Interrogatory No. 14 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33.

-9-

This defendant objects to Interrogatory No. 16 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-10-

This defendant objects to Interrogatory No. 17 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/3

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-11-

This defendant objects to Interrogatory No. 19 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-12-

This defendant objects to Interrogatory No. 20 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a scientific opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-13-

This defendant objects to Interrogatory No. 21 because the same is so vague and indefinite that this defendant can not answer.

-14-

This defendant objects to Interrogatory No. 25 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same does not sufficiently set forth with particularity the specific hearing inquired about to allow this defendant to answer same;

The Borel v. Fibreboard Case File (1969-1972), Objections to interrogatories Published by AsbestosClaims.Law
ACL Doc 10146 · Page 4 of 9 asbestosclaims.law/library/10146/4

(c) The same is so vague and indefinite that this defendant can not answer.

-15-

This defendant objects to Interrogatory No. 26 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a medical or scientific opinion not required to be answered under Federal Rule 33.

-16-

This defendant objects to Interrogatory No. 27 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a matter involving a medical opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-17-

This defendant objects to Interrogatory No. 28 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized by Federal Rule 33;

(b) The same inquires as to a scientific or medical opinion not required to be answered under Federal Rule 33.

-18-

This defendant objects to Interrogatory No.35 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/5

(b) The same inquires as to a medical opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant can not answer.

-19-

This defendant objects to Interrogatory No. 36 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

(b) The same inquires as to a matter of medical opinion not required to be answered under Federal Rule 33.

-20-

This defendant objects to Interrogatory No. 37 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

(b) The same poses a hypothetical question to this defendant, of which no answer is required under Federal Rule 33.

-21-

This defendant objects to Interrogatory No. 40 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

(b) The same inquires as to a matter of medical opinion not required to be answered.

-22-

This defendant objects to Interrogatories Nos. 41 through 45 for the following reasons:

(a) The same inquire as to matters of fact which are ofpublic record and are equally available to the plaintiff as to this defendant;

Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/6

(b) The same inquire as to matters of a highly prejudical nature which would result in a comparison of the relative financial resources of this defendant with that of the plaintiff.

-23-

This defendant objects to Interrogatory No. 46 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

(b) The same inquires as to a matter of opinion not required to be answered under Federal Rule 33;

(c) The same is so vague and indefinite that this defendant cannot answer.

-24-

This defendant objects to Interrogatories Nos. 47 through 84 for the following reasons:

(a) The same do not inquire as to any matter of fact authorized under Federal Rule 33;

(b) The same inquire as to matters of law not required to be answered under Federal Rule 33;

(c) The same inquire as to matters requiring considerable legal research which would be unfairly and unduly onerous upon this defendant;

(d) The same inquire as to matters which are equally available to the plaintiff as to this defendant.

-25-

This defendant objects to Interrogatory No. 85 for the following reasons:

(a) The same does not inquire as to any matter of fact as authorized under Federal Rule 33;

268

The Borel v. Fibreboard Case File (1969-1972), Objections to interrogatories Published by AsbestosClaims.Law
ACL Doc 10146 · Page 7 of 9 asbestosclaims.law/library/10146/7

(b) The same inquires as to a matter of opinion not required to be answered under Federal Rule 33;

(c) The same inquires into medical facts which will necessarily have to be developed through expert testimony at the trial hereof;

(d) The same is argumentative and improper.

WHEREFORE, this defendant prays that the Court set these objections for hearing, and that upon hearing this Court in all things sustain such objections.

Respectfully submitted

KING, SHARFSTEIN & RIENSTRA

BY: Dale Dowell

707 Beaumont Savings Building
Beaumont, Texas
Attorneys for Defendant, Owens-Corning Fiberglas Corporation

I certify that a copy of the foregoing objections to interrogatories filed by the defendant, Owens-Corning Fiberglas Corporation, was served on Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiff, by mailing a copy to said address, certified mail, return receipt requested, on the 24th day of March, 1970, and a copy was likewise served on all other attorneys of record by mailing a copy to their respective addresses by regular United States Mail on the 24th day of March, 1970.

Dale Dowell

Attorney for Owens-Corning Fiberglas Corporation.

269

Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/8

CIVIL ACTION
NO. 6449

CLARENCE BOREL

V.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL.

OBJECTIONS TO INTERROGATORIES

KING, SHARFSTEIN & RIENSTRA
ATTORNEYS AT LAW
707 BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS 77701

The Borel v. Fibreboard Case File (1969-1972), Objections to interrogatories
ACL Doc 10146 · Page 9 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10146/9