FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUN 23 1970

JAMES R. COONEY, CLERK
BY DEPUTY Virginia K. Lewis

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLARENCE BOREL	)	
	)	
VS.	)	CIVIL ACTION NO. 6449
	)	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	)	

ORDER ON PLAINTIFF'S MOTION FOR DISCOVERY, OBJECTIONS THERETO AND DEFENDANTS' MOTION TO LIMIT AND RESTRICT SUCH MOTION FOR DISCOVERY

The Court having duly considered the plaintiff's motion for discovery, the objections thereto of the defendants and defendants' motions to limit, restrict and deny plaintiff's motion for discovery, it is accordingly ORDERED:

That each defendant produce representative samples of its products containing asbestos that are used in insulating which have not already been furnished to plaintiff's attorney either in this case or some such similar case and the objections of the defendants to such production of samples are overruled.

That each defendant shall be required to identify the above representative samples of its products by affixing thereto the trade name of the product and the name of the manufacture. The objections of the defendants to so identifying their products and defendants' requests to identify such products by code only are overruled.

That each defendant shall be required to furnish plaintiff's attorney with a copy of defendants' sales literature, subject to the limitations set out below:

A) Such sales literature shall be limited to to defendants' products containing asbestos

Civ. Order Book
Vol 40 Page 223

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The Borel v. Fibreboard Case File (1969-1972), Order regarding motion for discovery
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and used in insulating.

B. Each defendant need only furnish plaintiff's attorney with that sales literature which has not already been furnished to plaintiff's attorney either in this case or some such similar case.

All of the remaining objections and requested limitations of defendants regarding the furnishing of sales literature of defendants' products to plaintiff's attorney are overruled.

That each defendant shall be required to produce any engineering, scientific and research data concerning the defendants' products containing asbestos and used in insulating subject to the limitations set out below:

A) Any processes protected by patents, contracts and trade agreements prohibiting disclosure, or considered trade secrets need not be disclosed.

B) Such production of research data shall be limited to data concerning the various products' potential dangerous properties and any safety controls suggested concerning its use, adaptability, or method of application.

Defendants' remaining requests to limit and objections to the production of research data are overruled.

That each defendant shall be ordered to produce the name and address of the person in charge of any medical research department or scientific research department that they may maintain and defendants' objections to this request are overruled.

That defendants' objections and requests to limit

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plaintiff's request for defendants to produce any breathing apparatus, device or safeguards will be sustained and defendants are not required to so produce such items. However, the defendants are ordered to furnish plaintiff's attorney with information identifying any breathing apparatus, device or other safeguards which such defendants claim will materially reduce or completely eliminate the disease of asbestosis if used by the workers applying asbestos materials and also supply information where these items may be obtained.

That each defendant shall furnish the name and address of the company representative who will appear at that time of the trial of this case as soon as such information is available to defendants' attorneys and no later than 30 days before the date this case is set for trial and defendants' objections to this request are overruled.

SIGNED and ENTERED this 23rd day of June, 1970.

UNITED STATES DISTRICT JUDGE

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