FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 23 1969
JAMES R. COONEY, CLERK
BY
DEPUTY

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

S. R. POTTER X
X
VS. X CIVIL ACTION NO. 6329
X
FIBREBOARD PAPER PRODUCTS X
CORPORATION, ET AL X

OBJECTIONS TO 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 October 14, 1969, 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 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 too broad and general, not being directed at any specific occupational disease;

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

-3-

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

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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;

The Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 2 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/2

(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;

The Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 3 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/3

(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 Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 4 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/4

(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;

The Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 5 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/5

(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;

The Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 6 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/6

(b) The same inquire as to matters of a highly prejudicial 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 can not 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 as 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.

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: _____

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

The Potter v. Fibreboard Case File (1969-1972), Objections to plaintiff's interrogatories
ACL Doc 10479 · Page 7 of 9
Published by AsbestosClaims.Law
asbestosclaims.law/library/10479/7

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 22nd day of December, 1969, 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 22nd day of December, 1969.

Attorney for Owens-Corning Fiberglas Corporation

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CIVIL ACTION NO. 6329

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OBJECTIONS TO INTERROGATORIES

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