IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
FEB 10 1970
JAMES R. COONEY, CLERK
BY DEPUTY Imogene R. Jones

SAMUEL R. POTTER)
)
V.)
) CIVIL ACTION NO. 6329
FIBREBOARD PAPER PRODUCTS)
CORP., ET AL)

O R D E R

This day came on to be considered objections of the defendant, Fibreboard Corporation, to interrogatories propounded by plaintiff pursuant to Rule 33, F.R.Civ.P.

Defendant objects in general terms to Interrogatories Nos. 2, 7, 11, 12, 13, 17, 19, 26 and 37, stating that such interrogatories are argumentative, ambiguous, immaterial, and irrelevant. It appears to the court, however, that such interrogatories are well within the scope of discovery permitted by Rule 33, and that in any event, this defendant has failed to establish adequate reasons why these interrogatories should not be answered. Bowen v. Whitehall Laboratories, 41 F.R.D. 359 (S.D. N.Y. 1966); Lucy v. Sterling Drug, Inc., 240 F.Supp. 632 (W.D. Mich. 1965); Wyatt v. Pennsylvania R.R. Co., 154 F.Supp. 143 (D. Del. 1957); Interbrough News Co. v. Curtis Publishing Co., 14 F.R.D. 408 (S.D. N.Y. 1953); 4 Moore's Federal Practice ¶ 33.10 et seq. Accordingly, it is

ORDERED that defendant's objections to Interrogatories Nos.2, 7, 11, 12, 13, 17, 19, 26 and 37 be, and they are hereby, overruled.

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To Interrogatories Nos. 47-84, defendant objects on the ground that such interrogatories call for conclusions and opinions on questions of law. Each of these numbered interrogatories requests the defendant to state whether it agrees that the state or territory named in that interrogatory has workmen's compensation law covering the occupational disease of asbestosis. In answers and objections to previous interrogatories, defendant has denied that products manufactured by it were of a dangerous nature or that such products created problems affecting health. Since answers, even qualified answers, to Interrogatories Nos. 47-84 may serve the substantial purpose of narrowing and clarifying the issues in controversy between the parties, Hickman v. Taylor, 329 U.S. 495, 67 S.Ct. 385, 91 L.Ed. 451 (1947); Schwartz v. Howard Hosiery Co., 27 F.Supp. 443 (E.D. Pa. 1939); Interbrough News Co. v. Curtis Publishing Co., supra., it is

ORDERED that defendant's objections to Interrogatories Nos. 47-84 be, and they are hereby, overruled.

SIGNED and ENTERED this 10th day of February, 1970.

Wm. Wayne Justice
UNITED STATES DISTRICT JUDGE

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