IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 11 1970
JAMES R. COONEY, CLERK
BY DEPUTY Evelyn Walker

SAMUEL R. POTTER	§	
VS.	§	CIVIL ACTION NO. 6329
FIBREBOARD PAPER PRODUCTS	§	
CORP., ET AL.	§	

ANSWERS OF DEFENDANT, COMBUSTION ENGINEERING, INC., TO SECOND SET OF INTERROGATORIES UNDER RULE 33, FEDERAL RULES OF CIVIL PROCEDURE.

Now comes the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and files herewith its Answers and Objections to the second set of interrogatories heretofore servedupon it by the plaintiff under Rule 33, Federal Rules of Civil Procedure, as follows:

1.

This interrogatory No. 1 is not applicable to Defendant, Combustion Engineering, Inc., as this defendant did not so indicate in its answer to Interrogatory No. 3 of the first set of interrogatories.

2.

This interrogatory No. 2 is not applicable to defendant, Combustion Engineering, Inc., as this defendant did not so indicate in its answer to Interrogatory No. 8 of the first set of interrogatories.

3.

This interrogatory No. 3 is not applicable to defendant, Combustion Engineering, Inc., as this defendant did not so indicate in its answer to Interrogatory No. 10 of the first set of interrogatories.

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4.

See answer to Interrogatory No. 18 of the first set of interrogatories. In addition, this defendant says that the reason it had not used such warning prior thereto was that this defendant's experience had not indicated the necessity therefor.

5.

Defendant, Combustion Engineering, Inc., objects to Interrogatory No. 5 on the ground that the plaintiff is inquiring into medical facts which will necessarily have to be developed through expert testimony at the time of the trial, and said interrogatory is argumentative and improper; and said question is too general and is not limited to the products manufactured by this defendant but deals with "asbestos" as a general term, and the types of products containing asbestos which are manufactured by this defendant contain difference percentages and different types of asbestos than those manufactured by the other defendants, and this defendant should not be called upon to answer a question which calls for a medical conclusion and may also be one of the ultimate issues to be tried in this case because there is a wide difference of medical and expert opinion.

ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC;
1012 San Jacinto Bldg., P.O.Box 1632,
Beaumont, Texas.

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THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

CHARLES S. PIPKIN, being first duly sworn, on oath deposes and says that he is attorney of record for the defendant, Combustion Engineering, Inc., in the above-entitled and numbered cause, and as such is duly authorized to make, file and present the foregoing answers to interrogatories and this affidavit, and that he does so, acting under such authority and authorization; that he has read over the foregoing answers and the same are true and correct.

Charles S. Pipkin

SUBSCRIBED AND SWORN TO before me, this 10th day of March, 1970, to certify which witness my hand and seal of office.

Lillian S. Butcher

NOTARY PUBLIC IN AND FOR
JEFFERSON COUNTY, TEXAS.

NOTARY PUBLIC ★ COUNTY OF JEFFERSON, TEXAS ★

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 1970, a true and correct copy of the foregoing instrument was mailed to the following named attorneys of record:

Mr. Ward Stephenson, Attorney,
Stephenson and Thompson,
Stephenson Building,
Orange, Texas. 77630
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ATTORNEY FOR DEFENDANT, ARMSTRONG
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AND PHILIP CAREY CORPORATION

Mr. Robert E. Barnes, Attorney,
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RUBEROID COMPANY, A DIVISION
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[redacted]
CHARTER OAK FIRE INSURANCE CO.

ATTORNEY FOR DEFENDANT,
COMBUSTION ENGINEERING, INC.

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