JGT:DFG - 11/10/67

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
NOV 15 1967
James R. M.
By Mildred C. Verret
DEPUTY

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL ACTION NO. 5402

OBJECTIONS TO INTERROGATORIES

Comes now Gustin-Bacon Manufacturing Company, one of the defendants in the above styled and numbered civil action, and in response to interrogatories served by the plaintiff upon its undersigned counsel respectfully objects thereto upon the following good and sufficient grounds:

1.

There is pending, undisposed of, this defendant's second motion for more definite statement and this defendant should not be required to answer interrogatories until plaintiff amends his complaint or files a more definite statement so as to apprise this defendant of the specific jobs and the specific dates on which he claims that he was injuriously exposed to insulation materials manufactured and distributed by this defendant. In this connection, this defendant says that in the event the insulation materials to which plaintiff was exposed were not manufactured or distributed by this defendant, then to require it to answer the interrogatories would subject this defendant to annoyance, needless expense and oppression.

2.

Each of such propounded interrogatories, separately, and all of them collectively, are not interrogatories within the intent and meaning of Rule 33, but on the contrary the same call for the production of documents, reports, studies and things which can be obtained only under Rule 34 upon motion,


Published by AsbestosClaims.Law
asbestosclaims.law/library/10731/1

notice and a showing of good cause therefor.

3.

In the event this defendant is required to answer any one or more of said interrogatories, then the same should be limited in scope to the particular employer or employers of plaintiff to whom this defendant sold or furnished insulation material, and to the particular product or products so sold or furnished, during the period of time mentioned in plaintiff's amended complaint.

4.

The propounded interrogatories are too broad in scope as to time. Plaintiff's amended complaint alleges his first exposure was in 1959. The interrogatories go back to the date of 1950, which imposes on this defendant needless expense, annoyance and oppression in searching for material, documents, reports and things which would have no relevancy.

5.

The propounded interrogatories are too broad in scope as to the places of use or distribution of the insulating material. Answers to said interrogatories, if required, should be restricted in scope to the specific area or place where plaintiff, in his amended complaint, claims he was exposed thereto.

6.

In any event, answers to said interrogatories by this defendant should be postponed and delayed to a date which will permit this defendant to obtain the oral deposition of the plaintiff, thus eliminating the burden and necessity of this defendant in answering interrogatories, or supplying information, reports and studies with respect to insulating material manufactured by it but to which plaintiff was not exposed.

WHEREFORE, this defendant moves the Court to enter herein an order sustaining each and all of the foregoing objections to said interrogatories, or,


Published by AsbestosClaims.Law
**asbestosclaims.law/library/10731/2**

in the alternative, that an appropriate protective order be entered herein restricting the scope and applicability of such interrogatories as set forth above.

Respectfully submitted,

ORGAIN, BELL & TUCKER
Beaumont Savings Building
Beaumont, Texas
Attorneys for Gustin-Bacon
Manufacturing Company

NOTICE TO ALL ATTORNEYS OF RECORD:

Please take notice that the above and foregoing objections and motion of the defendant, Gustin-Bacon Manufacturing Company, will be brought to the attention of the Court for hearing on the 24th day of November, 1967, at 10 a.m., or as soon thereafter as counsel may be heard.

Attorney for Gustin-Bacon
Manufacturing Company

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing objections and motion of the defendant, Gustin-Bacon Manufacturing Company, was on this the 17 day of November, 1967, served upon counsel for each of the other parties herein by depositing the same in the United States mail, postage prepaid, addressed to Mr. Ben L. Reynolds, Royston, Rayzor & Cook, 877 San Jacinto Building, Houston, Texas 77002; Mr. Ward Stephenson, Stephenson Building, Orange, Texas; Mr. John Rienstra, Beaumont Savings Building, Beaumont, Texas 77701; Mr. George A. Weller, P. O. Box 350, Beaumont, Texas 77704; Mr. Charles S. Pipkin, P. O. Box 1632, Beaumont, Texas 77704; Mr. George Duncan, Beaumont Savings Building, Beaumont, Texas 77701; and Mr. Gordon R. Pate, Beaumont Savings Building, Beaumont, Texas 77701.

Attorney for Gustin-Bacon
Manufacturing Company


Published by AsbestosClaims.Law
asbestosclaims.law/library/10731/3

CIVIL ACTION 5402

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC.,
ET AL

Objections to Interrogatories

ORGAIN, BELL & TUCKER
ATTORNEYS AT LAW
BEAUMONT, TEXAS

Published by AsbestosClaims.Law
asbestosclaims.law/library/10731/4