IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS, BEAUMONT DIVISION.

FILED
JUN 5 1968
James R. Cooney, Clerk, U. S. Court
By Evelyn Walker DEPUTY

CLAUDE J. TOMPLAIT, PLAINTIFF, §

VS. §

COMBUSTION ENGINEERING, §

INC., ET AL, DEFENDANTS. §

CIVIL ACTION NO. 5402

OBJECTIONS OF DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION, TO INTERROGATORY UNDER RULE 33, AND MOTION TO STRIKE.

Now come the defendants, Combustion Engineering, Inc., and R & I Refractory and Insulation Corporation, in the above-entitled and numbered cause, and object to the Interrogatory served on said defendants on or about May 29, 1968, and move that same be stricken and that these defendants be not required to answer such interrogatory, upon the following grounds:

(1) Said Interrogatory is too broad and imposes too great a burden upon the defendants, in that said interrogatory is not restricted either as to the materials referred to, nor as to the time of their manufacture, and the defendant R & I Refractory and Insulation Corporation has and does manufactured many insulating products, and over a long period of time; and there is no one person in the organization of either defendant who has knowledge of the matters inquired into by said Interrogatory, that is, (a) the business activities of the defendants, (b) The materials manufactured by the defendants; (c) The ingredients of each of said materials (d) General information as to the sales made by the defendants of its materials; (e) General information as to the use of the products manufactured by the defendants and (f) knowledge of any safety rules or suggestions, if any, as to the use of such materials or products;

(2) Said interrogatory is not limited to either relevant materials, if any, manufactured by the defendants, or a relevant time or times, but is all-inclusive in regard to all materials ever manufactured by the defendants or either of them, at any time, and is too broad, general and lacking in particularity, and is burdensome and oppressive, and same should be stricken.

(3) Further, the plaintiff has made inquiry in regard to a person who would have knowledge of the business activities of the defendants, including the materials manufactured, the ingredients, as well as general information as to the sales and use of the products, and safety rules or suggestions, if any, concerning the use of such products, and such request is too broad and general and does not advise the defendants what the plaintiff means by "business activities" as the term is all inclusive, and the plaintiff is not entitled to inquire into all business activity of the defendants.

(4) Defendants further object to said interrogatory and move that they be not required to answer the same, because the defendants have heretofore, under oath, in answer to the first set of interrogatories, listed the name and trade names of all types of insulating materials manufactured, giving dates that defendant began to manufacture the materials, a description of the materials, and their ingredients, and such interrogatory amounts to an harassment of the defendants and is an attempt to call for the same information heretofore furnished. Further, some of such information would be confidential, some a trade secret and should not be inquired into.

WHEREFORE, defendants pray that the foregoing objections be sustained, and that said interrogatory be stricken, and that defendants be not required to answer same, and for such further relief as they may show themselves justly entitled to receive.

ATTORNEY FOR DEFENDANTS, COMBUSTION ENGINEERRING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION:
1014 San Jacinto Bldg.,P.O.Box 1632,
Beaumont,Texas.

CERTIFICATE OF SERVICE.

I hereby certify that the foregoing answer has been served on the attorneys for the respective parties herein, by placing true and correct copies of said answer in correctly addressed, stamped and sealed envelopes, and depositing same in the United States Mail at Beaumont,Texas, this 5th day of June, 1968, as follows:

Messrs. Stephenson,Thompson and Morris, Stephenson Building, Orange,Texas, attorneys for plaintiff, Claude J.Tomplait;
Mr.Ben L. Reynolds, 877 San Jacinto Bldg., Houston,Texas, Attorney for Defendant, Eagle-Picher Industries, Inc;
Mr. John D. Rienstra, 707 Beaumont Savings Bldg.,Beaumont,Texas, Attorney for Defendant, Owens-Corning Fiber Glass Corporation;
Mr. John G. Tucker, Orgain,Bell & Tucker, Beaumont Savings Bldg., Beaumont,Texas, Attorney for Defendant, Gustin-Bacon Mfg. Co;
Mr. George A. Weller, P.O.Box 350, Beaumont,Texas, Attorney for Defendant, Fiberboard Paper Products Corporation;
Mr. George E. Duncan, Beaumont Savings Bldg.,Beaumont,Texas, Attorney for Defendants, Pittsburgh Plate Glass Company and Pittsburgh Corning Corporation;
Mr. Gordon R. Pate, Beaumont Savings Bldg., Beaumont,Texas, Attorney for Defendants, Johns-Manville Products Corporation and Johns-Manville Fiber Glass, Inc;
Mr. George E. Murphy, San Jacinto Bldg., Beaumont,Texas, Attorney for Intervenors, Queen Insurance Company and The Travelers Insurance Company;
Messrs. Keith, Mehaffy & Weber, San Jacinto Bldg.,Beaumont,Texas, Attorney for Intervenor,Texas Employers Insurance Association.

Attorney for Defendants,Combustion Engineering, Inc., and R & I Refractory and Insulation Corporation.