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

FILED
JUN 6 1968
James R. Cooney, Clerk, U. S. Court
By Emily J. Walker DEPUTY

CLAUDE J. TOMPLAIT	:	
VS.	:	CIVIL ACTION
COMBUSTION ENGINEERING, INC., ET AL	:	NO. 5402

OBJECTIONS OF DEFENDANTS PITTSBURGH PLATE GLASS COMPANY AND PITTSBURGH CORNING CORPORATION TO INTERROGATORIES PROPOUNDED BY PLAINTIFF

TO THE HONORABLE JUDGE OF SAID COURT:

Now come Defendants, PITTSBURGH PLATE GLASS COMPANY and PITTSBURGH CORNING CORPORATION, who jointly file this their Objections to the Interrogatories propounded to them by Plaintiff on May 29, 1968, and as grounds for their Objections would show the Court as follows:

I.

This is the third set of Interrogatories which have been propounded to these Defendants, and these Defendants object generally to answering said Interrogatories for the following reasons:

(a) Plaintiff has failed to comply with the terms and provisions of Rule 33 of the Federal Rules of Civil Procedure, in that he has failed to obtain leave of Court for propounding said Interrogatories.

(b) This being the third set of Interrogatories served upon these Defendants, it is an attempt on behalf of the Plaintiff to annoy, embarrass and oppress these Defendants within the ambit of Rule 30(b) of the Federal Rules of Civil Procedure.

(c) The Interrogatories propounded to these Defendants are so vague, general and indefinite, that these Defendants are unable properly to intelligently answer the same.

II.

Objecting specifically to the said Interrogatories propounded on behalf of the Plaintiff on May 29, 1968, these Defendants say that the Plaintiff has made inquiries concerning the name, address and title of such person in Texas, or if

no one in Texas, then the nearest such person, who would have knowledge of the "business activities" of these Defendants, including the materials manufactured, the ingredients, as well as general information as to the sale and use of the products and safety and suggestions, if any, concerning the use of said products. These Defendants object to answering said Interrogatories for the following reasons:

(a) These Defendants do not know what the Plaintiff means by "business activities" of the Company and said term is vague, ambiguous, too general, and all-inclusive.

(b) These Defendants say that Plaintiff is not entitled to inquire into all "business activities" of these Defendants.

(c) These Defendants manufacture numerous products used for insulation purposes, only one of which contains amosite asbestos fibers, and therefore no one person, or even two or three of Defendants' employees or representatives have knowledge of all of the matters inquired about in said Interrogatories.

(d) Plaintiff has heretofore served these Defendants with two sets of Interrogatories which these Defendants have answered. These Interrogatories required information as to:

(1) The name and trade name of all types of insulating materials manufactured, giving dates that Defendants began to manufacture the materials (limited by this Court to the year beginning 1959), a description of the materials and what they contain.

Defendants answered each of these two sets of Interrogatories.

(2) In answer to an Interrogatory inquiring as to warning given workers by these Defendants, these Defendants stated that they never had any contact with workers who were employed by independent contractors in the performance of insulation work.

(3) In answer to one of the two other sets of Interrogatories which have already been propounded to these Defendants, Defendant, PITTSBURGH CORNING CORPORATION, answered that it manufactured UNIBESTOS insulation, which contained amosite asbestos fiber, sodium silicate and diatomaceous earth, all of which is sufficient for the purpose

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about which the Plaintiff inquires, and therefore for the Court to require these Defendants to answer additional Interrogatories for a third time in the manner phrased by the Interrogatories now propounded, is oppressive in nature, and contrary to the letter, the spirit and the purposes of the Federal Rules of Civil Procedure.

III.

Further objecting to said Interrogatories, these Defendants say that the same are too broad, general and ambiguous, that the same place an impossible burden upon these Defendants, with which it cannot reasonably comply, for the reason that said Interrogatories are not restricted to any particular product or material of these Defendants, nor is it restricted as to the time during which the Plaintiff seeks to obtain such information, and therefore, these Defendants say that the Court should enter herein an Order to the effect that these Defendants need not answer said Interrogatories.

IV.

Said Interrogatories propounded to these Defendants are contrary to the letter and the spirit of the Federal Rules of Civil Procedure, and particularly, Rules 26, 30(b) and 33, and these Defendants say that said Interrogatories have been propounded to them merely for the purpose of annoyance, embarrassment and oppression and that these Defendants pray that the Court make such an Order which justice may require to protect these Defendants from such annoyance, embarrassment or oppression, and that these Defendants not be required to answer said Interrogatories.

V.

In the alternative, these Defendants pray this Honorable Court that, should they be required to answer said Interrogatories in any respect, the same should be limited to a specific time, a specific product, or products, either to be designated by a trade name or by ingredients thereof, and should eliminate therefrom the requirements regarding these Defendants' general business activities, general information as to sales, and general information as to the use of any product, not specifically designated by the Plaintiff.

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WHEREFORE, these Defendants pray that the Court set these Objections for hearing, and upon hearing, quash such Interrogatories.

Respectfully submitted,

WELLS, DUNCAN AND BEARD

by George E. Duncan

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Beaumont, Texas 77701

Attorneys for Defendants PITTSBURGH PLATE GLASS COMPANY and PITTSBURGH CORNING CORPORATION

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument of Defendant was on the 4th day of June, 1968, served upon counsel for each of the other parties herein by depositing the same in the United States Mail, in correctly addressed, stamped and sealed envelopes to:

Mr. Ben L. Reynolds
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002

Mr. Ward Stephenson
Stephenson Building
Orange, Texas 77630

Mr. John G. Tucker
Orgain, Bell & Tucker
Beaumont Savings Building
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LAW OFFICES OF
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BEAUMONT, TEXAS

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