

CHAVES, GONZALES, RODRIGUEZ & HOBLIT, L.L.P.

ATTORNEYS AT LAW

2000 FROST BANK PLAZA
802 NORTH CARANCAHUA
CORPUS CHRISTI, TEXAS 78470

(512) 888-9392

FAX: (512) 888-9187

STEVEN D. AUTRY
LAURIE J. ELZA
MOISES R. HERNANDEZ
DEBRA IRWIN
R. GARY LAWS
DONNA H. MCKINNEY
STEPHEN J. NAYLOR
GARY E. RAMIREZ
ALFONSO SOLIZ, JR.

DOUGLAS E. CHAVES*
RUDY GONZALES, JR.
J. CHRIS RODRIGUEZ*
R. CLAY HOBLIT*
OMAR S. RIVERO
HARVEY FERGUSON, JR.
CHRISTOPHER R. SCOTT
STEPHEN R. DARLING
*Board Certified in Personal Injury Trial Law
Texas Board of Legal Specialization

RECEIVED

February 23, 1995

McALLEN OFFICE
(210) 630-1919

FAX: (210) 630-1927

OF COUNSEL:
HON. PAUL W. NYE
Ret. Chief Justice - 13th Court of Appeals

Mr. Oscar Soliz
District Clerk
Nueces County Courthouse
901 Leopard St.
Corpus Christi, Texas 78401

Re: Cause No. 94-03884-B; Leona Tiner, Ind. vs. Reynolds Metals Company and
Gilman Insulation Company, In the 117th District Court, Nueces County, Texas.

Dear Mr. Soliz:

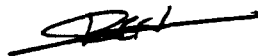
Enclosed please find the following document to be filed in the above-referenced matter:

1. Defendant Reynolds Metals Company's Objections and Answers to Plaintiff's Interrogatories.

Please file stamp the enclosed copies and return them to me in the enclosed self-addressed stamped envelope.

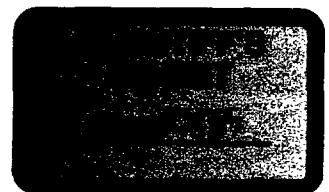
I appreciate your assistance in this matter.

Cordially,



R. Clay Hoblit

RCH:tmk
Enclosures



cc:

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND FACSIMILE

C. Andrew Waters
BARON & BUDD
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

VIA REGULAR MAIL

William A. Abernethy
Clay Coalson
MEREDITH, DONNELL & ABERNETHY
1500 One Shoreline Plaza, North Tower
Post Office Box 2624
Corpus Christi, Texas 78403-2624

CAUSE NO. 94-03884-B

LEONA TINER, INDIVIDUALLY AND AS	§	IN THE DISTRICT COURT
PERSONAL REPRESENTATIVE OF THE	§	
HEIRS AND ESTATE OF ROBERT D.	§	
TINER, DECEASED	§	
	§	117th JUDICIAL DISTRICT
VS.	§	
	§	
	§	
REYNOLDS METALS COMPANY AND	§	
GILMAN INSULATION COMPANY	§	NUECES COUNTY, TEXAS

DEFENDANT REYNOLDS METALS COMPANY'S OBJECTIONS AND ANSWERS
TO PLAINTIFF'S INTERROGATORIES

TO: PLAINTIFF, LEONA TINER, Individually and as Personal Representative of the Heirs and Estate of Robert D. Tiner, Deceased.

Pursuant to the provisions of Rule 168 of the Texas Rules of Civil Procedure, Defendant, REYNOLDS METALS COMPANY, by and through its attorney of record in the above styled and numbered cause, herein files its Objections and Answers to Plaintiff's Interrogatories and for such responses would show as per the attached.

Respectfully submitted,

CHAVES, GONZALES, RODRIGUEZ &
HOBLIT, L.L.P.
2000 Frost Bank Plaza
802 N. Carancahua
Corpus Christi, Texas 78470
(512) 888-9392
(512) 888-9187 (Facsimile)

By: 

R. Clay Hoblit
State Bar No. 09743100

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument has been served upon all counsel of record to this proceeding by the manner indicated below, on this the 23 day of FEB, 1995.



R. Clay Hoblit

cc:

VIA FACSIMILE AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

C. Andrew Waters
BARON & BUDD
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

VIA REGULAR MAIL

William A. Abernethy
Clay Coalson
MEREDITH, DONNELL & ABERNETHY
1500 One Shoreline Plaza, North Tower
Post Office Box 2624
Corpus Christi, Texas 78403-2624

REYNOLDS METALS COMPANY

BY: _____
ARLON BOATMAN
Manager, Health and Safety

STATE OF TEXAS §
 §
COUNTY OF NUECES §

BEFORE ME, the undersigned Notary Public, on this day personally appeared ARLON BOATMAN, Manager, Health and Safety, for REYNOLDS METALS COMPANY, who being by me duly sworn under oath and deposed and said that he is the representative of Defendant REYNOLDS METALS COMPANY in the above entitled and numbered cause; he is charged with collecting information gathered by his officers, agents and/or employees; has compiled this information as a result of the investigation of his officers, agents and/or employees; that he has read the questions contained in the foregoing instrument and that to the best of his knowledge, information and belief, formed after reasonable inquiry, the statements contained therein are true and correct and are based upon the information that is available and has been gathered by his officers, agents and/or employees.

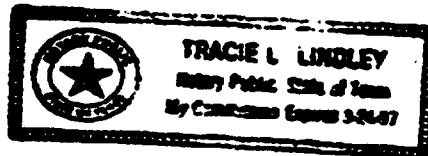
Arion Boatman
ARLON BOATMAN

SUBSCRIBED AND SWORN TO BEFORE ME, by the said ARLON BOATMAN on this the 23rd day of February, 1995, to certify which witness my hand and seal of office.

Tracie L. Lindley
Notary Public in and for
the State of Texas

Tracie L. Lindley
Print or type name

My Commission Expires: 3-24-97



Preliminary Statement and General Objections
to Plaintiff's Interrogatories

These discovery requests are in a form which has been used in asbestos cases against defendants whose primary business was the manufacture of asbestos thermal insulation. For the reasons set forth below, Reynolds respectfully submits that this discovery, as applied to Reynolds, would be unduly burdensome and would require Reynolds to invest massive financial and manpower resources which far outweigh the likelihood that this effort would lead to the discovery of admissible evidence. Reynolds respectfully suggests that discovery rules and principles of fairness, relevance and relative burden must be considered in evaluating plaintiff's discovery and Reynolds' responses to that discovery.

The basic premise of every lawsuit is for the plaintiff to state a claim and to pursue discovery on that claim. There is no authority for the plaintiff to seek discovery completely without regard to what, if any, products might have been responsible for his injuries without limitation on time period or work site. It would be patently unfair to allow the plaintiff to conduct a massive fishing expedition through use of the form discovery requests, without any focus on the products, time frame or work site at issue.

Reynolds is not now, nor has it ever been, a miner of asbestos fiber or a manufacturer of the kinds of block, pipe, mud and cement thermal insulation products which have been the focus of asbestos personal injury litigation. With many manufacturers of asbestos thermal insulation now in bankruptcy, Plaintiff now aims the standard discovery requests used against those companies against entities like Reynolds.

Reynolds has never been a member of the "asbestos industry" as that term has commonly been used in asbestos litigation. Thus, these form interrogatories and requests for production are overly broad and unduly burdensome as applied to Reynolds because they fail to give weight to this key fact.

Many of the products located in Reynolds facilities, including the one where plaintiff worked, are extremely complex, consisting of hundreds or even thousands of components. Many of these components, as well as other materials, are supplied to Reynolds by other companies. Reynolds does not maintain records that identify the composition of each product component.

The plaintiff's form interrogatories and requests for production are not limited in any fashion to the product(s) reasonably believed by the plaintiff to have been located at the Reynolds Sherwin Alumina Plant and to which he reasonably believes he was exposed to some type of asbestos. In addition to many requests not being limited to the plant where plaintiff worked, many others have no limitation as to relevant time period.

In summary, Reynolds opposes a type and volume of discovery which would impose an unreasonable burden on Reynolds because it is not tailored in any way to deal with a corporation such as Reynolds, or reasonably designed to lead to the discovery of admissible evidence concerning the products the plaintiff reasonably believes to have caused him harm.

Further, Reynolds objects to plaintiff's interrogatories and requests for production of documents to the extent that they call for information that is protected by the attorney-client or attorney work product privileges or call for information that is beyond the scope of permissible discovery and/or is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections or objections previously made to these discovery requests, and subject thereto, Reynolds further responds to the interrogatories as follows:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

Objection. Request calls for information protected by the attorney-client privilege, party communication privilege, investigative privilege, and work product privilege.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

Yes. Reynolds Metals Company; Delaware; 6601 West Broad Street, Richmond, Virginia 23230; Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 100 Congress, Suite 1100, Austin, Texas 78701; Yes.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, warning signs or statements, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, state:

- A. The names of each relevant product or type of product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the materials to persons likely to use the products or likely to be exposed to asbestos.
- E. The date each warning was first issued or distributed.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

In addition to prior objections, Defendant objects to Interrogatory No. 3 in that the information requested in items A. through H. are overly broad, unduly burdensome, and go beyond the scope of Rule 168 of the Texas Rules of Civil Procedure. Without waiving these objections, yes. Given that the interrogatory is not limited in time and requests information regarding events that occurred over more than three decades, Defendant does not currently have sufficient information to respond with particularity. Defendant would refer the Plaintiff to the deposition testimony in this case and also documents provided in response to Request for Production No. 13.

INTERROGATORY NO. 4:

Before 1970, had you received notice that any individual or individuals had claimed injury as a result of exposure to asbestos? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represented each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER:

Subject to prior objections, no.

INTERROGATORY NO. 5:

List each employee who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Subject to prior objections, the individuals are as follows:

Dr. Charles D. Dixon
Sherwin Alumina Plant Medical Director (1954)
Deceased

Dr. Draper
Sherwin Alumina Plant Medical Director (19? - 1971)
Deceased

Dr. Harry R. Bratt
Sherwin Alumina Plant Medical Director (1971-1975)

Dr. Robert Dale Gamble
Sherwin Alumina Plant Medical Director (1975-1989)
5301 St. Andrew
Corpus Christi, TX 78413

Dr. John Frandolig
Sherwin Alumina Plant Medical Director (1989-1991)
RR 1, Box 358
Lake Geneva, WI 53147

Dr. Guy Racette
Sherwin Alumina Plant Medical Director (1991-1993)
8122 Deck Street
Corpus Christi, TX 78412

Dr. Wendell Roberts
Sherwin Alumina Plant Medical Director (1993-present)
620 West Johnson Avenue
Aransas Pass, TX

Dr. James MacMillan
Reynolds Metals Company Medical Director (1956-1977)
306 Gunby Drive
Richmond, VA

Dr. E. Claiborne Irby
Reynolds Metals Company Associate Corporate Medical Director (1959-1977)
Reynolds Metals Company Corporate Medical Director (1977-1992)
11-1/2 Tapoan Road
Richmond, VA 23226

Dr. David Warren
Acting Medical Director (1992-1993)
8705 Tarrytown Drive
Richmond, VA

Dr. Woolson W. Doane
Corporate Medical Director (1993-present)
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

Homer M. Cole, Corporate Director, Industrial Hygiene and Toxicology
Ronald Benton, Manager, Industrial Hygiene Field Operations and Technical Services
Linda Maillet, Regional Industrial Hygienist, Eastern Region
Laurie Shelby, Manager, Industrial Hygiene Programs
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

James D. Davison, former Staff Industrial Hygienist
Shell Oil Company
Post Office Box 4320
Houston, TX 77210

Stacey Hansen, former Staff Industrial Hygienist
2116 Lennox Road
Richmond, VA

D. R. Hudgins, former Staff Industrial Hygienist
1237 Fountain Road
Newtown, PA 18940

Edward J. Largent, retired from Industrial Hygiene Department
30 Kay Place
Nash, TX 75569

Richard Mansur, retired from Industrial Hygiene Department
1416 Coronet Drive
Richmond, VA

Dale Prokopchak, former Staff Industrial Hygienist
Environmental Technology
3705 Saunders Avenue
Richmond, VA 23227

H. L. Skalsky
Dames and Moore
3 Corporate Park
Suite 300
Irvine, CA 92714

INTERROGATORY NO. 6:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Yes. See documents produced in Response to Request for Production No. 2.

These documents are found in the files of Reynolds' Corporate Medical Department, Industrial Hygiene Department, and/or the files at the Sherwin Plant.

INTERROGATORY NO. 7:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations related in any way to the hazards of asbestos.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

ANSWER:

No, based on present information available. Furthermore, individual employees may have been members of various groups, but Defendant does not have records identifying the names of these employees, the organizations to which they belong, or the information, if any, disseminated to these employees from these groups.

INTERROGATORY NO. 8:

Identify by name and location each plant or manufacturing facility owned or operated by you in which asbestos products were assembled, stored, used, prepared for use, installed or fabricated, specifying the dates each plant is or was in operation, and the time span during which each named item was stored, used, prepared for use, installed or fabricated.

ANSWER:

Subject to prior objections, the Sherwin Alumina Plant has operated continuously since June 1953.

INTERROGATORY NO. 9:

Does Defendant have insurance policies that might cover the claims made by Plaintiff in this case? If so, list the name of each insurance carrier and the number of each policy, the amount of layer of coverage, and the effective dates of each policy.

ANSWER:

Yes. Pacific Employers Insurance Company (CIGNA) has been placed on notice of the claim and is handling it under Policy No. WLRC-39121748. The amount of coverage is \$1 million per occurrence. The effective dates of the policy are September 30, 1992 - September 30, 1993. CIGNA also provides an additional layer of insurance pursuant to Policy No. XCPG15521892. The amount of coverage is \$5 million per occurrence. The effective dates of this policy are also September 30, 1992 - September 30, 1993.

INTERROGATORY NO. 10:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestos is/was caused by inhalation of asbestos fibers.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory because of the argumentative, categorical manner in which it is phrased. Defendant objects to the lack of foundation to the extent the interrogatory implies that all levels of asbestos exposure can result in development of pulmonary disorders. Defendant would defer to the reason, judgment, and opinions of its medical expert witnesses on all such questions of human diseases, their causes, and diagnosis.

Subject to and without waiving these objections, Defendant generally has learned that inhalation of asbestos fibers is associated with increased risk of health hazards for some people. The specifics of exactly how or when Reynolds personnel acquired such knowledge or awareness is not presently known. Such information may have come from reading government publications, or other published written materials and publications such as medical journals or industrial hygiene journals. In addition, see response to Request for Production No. 2.

INTERROGATORY NO. 11:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory because of the argumentative, categorical manner in which it is phrased. Defendant objects to the lack of foundation to the extent the interrogatory implies that all levels of asbestos exposure can result in development of pulmonary disorders. Defendant would defer to the reason, judgment, and opinions of its medical expert witnesses on all such questions of human diseases, their causes, and diagnosis.

Subject to and without waiving these objections, Defendant generally has learned that inhalation of asbestos fibers is associated with increased risk of health hazards for some people. The specifics of exactly how or when Reynolds personnel acquired such knowledge or awareness is not presently known. Such information may have come from reading government publications, or other published written materials and publications such as medical journals or industrial hygiene journals. In addition, see response to Request for Production No. 2.

INTERROGATORY NO. 12:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory because of the argumentative, categorical manner in which it is phrased. Defendant objects to the lack of foundation to the extent the interrogatory implies that all levels of asbestos exposure can result in development of pulmonary disorders. Defendant would defer to the reason, judgment, and opinions of its medical expert witnesses on all such questions of human diseases, their causes, and diagnosis.

Subject to and without waiving these objections, Defendant generally has learned that inhalation of asbestos fibers is associated with increased risk of health hazards for some people. The specifics of exactly how or when Reynolds personnel acquired such knowledge or awareness is not presently known. Such information may have come from reading government publications, or other published written materials and publications such as medical journals or industrial hygiene journals. In addition, see response to Request for Production No. 2.

INTERROGATORY NO. 13:

At any time, has any person filed a claim against Defendant or Defendant's Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim and the plant or industrial facility where the inhalation/ exposure took place.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

In addition to prior objections, Defendant objects to Interrogatory No. 13 to the extent it calls for information protected by the attorney-client privilege, work product privilege, party communication privilege and investigative privilege, or is gathered in anticipation of litigation.

INTERROGATORY NO. 14:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory as being overly broad, unduly burdensome, vague, and ambiguous. The interrogatory is not limited in time or scope, and to require the disclosure of all information listed in items A. through F. of Interrogatory No. 14 would be unduly burdensome and cannot be done without extraordinary and unnecessary expense. Without waiving these objections, yes. See documents produced in responses to Requests for Production.

INTERROGATORY NO. 15:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1960 through the present or for any portion thereof, copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products for use at the Corpus Christi/Nueces County plant. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by plant, by product type, etc.

ANSWER:

Subject to prior objections, yes.

- A. The Sherwin Alumina Plant Purchasing Department and San Patricio Administrative Building maintains these records going back to the year 1987.
- B. Frank Strickland, Sherwin Alumina Plant, Highway 361, Gregory, Texas 78359.
- C. The documents are purchase orders kept in hard copy.
- D. The documents are kept in alphabetical order and are not organized or maintained by product type or content.

INTERROGATORY NO. 16:

Does Defendant intend to call company representatives as witnesses at the trial of any of this case? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

See prior objections.

INTERROGATORY NO. 17:

Did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to any of your plants where asbestos-containing products were being used or installed to make or take dust level counts? If so, state when this procedure was done, the purpose of such procedures, and all results of such procedures.

ANSWER:

Subject to prior objections, yes. Defendant has located documentation from at least some of the dust level counts, and the information requested in this interrogatory can be found in the documents produced in response to Request for Production No. 23.

INTERROGATORY NO. 18:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

Subject to prior objections, yes.

- A. 1958.
- B. Yes.
- C. See answer to Interrogatory No. 5.
- D. (i) To make available clinical services for local Richmond headquarters employees
(ii) To provide advice and guidance to the corporation on medical issues.

INTERROGATORY NO. 19:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Safety Department? If so, state:

- A. The year such Safety Department was established;
- B. Whether or not such Safety Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Safety Department year by year, beginning with the first year you had a Safety Director or Safety Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Safety Department.

ANSWER:

Subject to prior objections, yes.

- A. 1945.
- B. Yes.
- C. Joseph Nichols, 11801 South Downs Drive, Richmond, Virginia 23233 (1945-1973)
Bobby J. Sasser, 6601 West Broad Street, Richmond, Virginia 23230 (1973-present)
- D. The corporate safety department develops and directs the implementation of company policies for industrial and transportation safety; ensures compliance with corporate safety policies and federal and state safety regulations; evaluates new plants and equipment; identifies accident trends and informs various levels of management about plant and corporate safety performance; coordinates OSHA activity, conducts safety training, and coordinates loss prevention activities of casualty insurance company.

INTERROGATORY NO. 20:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your plants or industrial facilities.

ANSWER:

Subject to prior objections, see documents provided pursuant to Request for Production Nos. 23 and 24.

INTERROGATORY NO. 21:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- A. The name, address, and job classification of each such expert witness;
- B. The subject matter on which the expert is expected to testify;
- C. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- D. Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
- E. Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- F. Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory to the extent it calls for information protected by the attorney-client and attorney work product privileges. Defendant also objects to this interrogatory as exceeding the permissible number of interrogatories as provided for pursuant to Rule 168(5) of the Texas Rules of Civil Procedure. Defendant also objects having to provide the information requested in items C, D, E, and F as being overly broad, unduly burdensome, going beyond the scope of Rule 168 of the Texas Rules of Civil Procedure. Subject to these objections:

Dr. Woolson W. Doane
Corporate Medical Director (1993-present)
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

Dr. Harry R. Bratt
Sherwin Alumina Plant Medical Director (1971-1975)

Dr. Wendell Roberts
Sherwin Alumina Plant Medical Director (1993-present)
620 West Johnson Avenue
Aransas Pass, TX

Dr. E. Claiborne Irby
Reynolds Metals Company Associate Corporate Medical Director (1959-1977)
Reynolds Metals Company Corporate Medical Director (1977-1992)
11-1/2 Tapoan Road
Richmond, VA 23226

Dr. James MacMillan
Reynolds Metals Company Medical Director (1956-1977)
306 Gunby Drive
Richmond, VA

Dr. David Warren
Acting Medical Director (1992-1993)
8705 Tarrytown Drive
Richmond, VA

Bobby J. Sasser
Corporate Safety Director
6601 West Broad Street
Richmond, Virginia 23230
(804) 281-3600

C. Arlon Boatman
Health & Safety Manager, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Homer M. Cole, Corporate Director, Industrial Hygiene and Toxicology
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

Stan Milsap
ProActive Safety Consultant Company
518 Enterprize Parkway
Corpus Christi, Texas 78405
512/289-7291

Joseph Nichols
11801 South Downs Drive
Richmond, VA 23233

INTERROGATORY NO. 22:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

- A. identification of asbestos-containing products or type of products to which Decedent was exposed or facts disputing the identification of asbestos-containing products or type of product in this case.
- B. Plaintiff's damages, injuries and/or facts disputing Plaintiff's alleged damages and/or injuries;
- C. the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- D. each of Defendant's defenses enumerated in Defendant's most recently filed Answer.

ANSWER:

Subject to prior objections, see Exhibit "A."

INTERROGATORY NO. 23:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

See prior objections.

INTERROGATORY NO. 24:

State the name, address, job title, and length of time employed of each and every individual employed at any time at your Corpus Christi/Nueces County plant who has made or presented a Worker's Compensation or other claim for personal injury and/or death resulting from inhalation of, or exposure to, industrial dust or other contaminants, including but not limited to asbestos.

ANSWER:

In addition to prior objections, Defendant objects to Interrogatory No. 24 to the extent it calls for information protected by the attorney-client, work product, party communication, and investigative privileges.

INTERROGATORY NO. 25:

Please state whether Defendant has at any time provided safety equipment at the Corpus Christi/Nueces County plant for workers' protection against the inhalation of asbestos disease or the dangers of asbestos fibers, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such was first provided to your workers at the Corpus Christi/Nueces County plant, under what circumstances such were provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

ANSWER:

Subject to prior objections, yes. Although information is incomplete at this time, Defendant first instituted safety equipment in the 1960s. Depending on the location in the plant and the activities of the employee, masks, respirators, protective clothing, and/or other protective gear were provided. Arlon Boatman, Health & Safety Manager, Sherwin Alumina Plant, Post Office Box 9911, Highway 361, Gregory, Texas 78469, (512) 777-2256, would be one person knowledgeable of the safety equipment provided at the Sherwin Alumina Plant. In addition, see all individuals listed in Exhibit "A." In addition, see deposition testimony of Reynolds Metals employees.

INTERROGATORY NO. 26:

Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, controlled and/or were applicable to asbestos exposure in your operations at the Corpus Christi/Nueces County plant during the past thirty years.

ANSWER:

See prior objections.

INTERROGATORY NO. 27:

Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected the Corpus Christi/Nueces County plant for the purpose of ascertaining whether health and safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

ANSWER:

In addition to prior objections, Defendant objects to this interrogatory as being overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent it is not limited to the Sherwin Alumina Plant where Plaintiff worked. Subject to these objections, Defendant does not have records of each and every occasion when a regulatory agency inspected the Sherwin Plant. Copies of documents in possession of Defendant are produced in response to Request for Production No. 5.

INTERROGATORY NO. 28:

Please state whether any asbestos products in place or in use at your Corpus Christi/Nueces County plant has been removed or abated at any time from 1965 to the present. If so, please answer the following:

- A. List each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates of such removal, and whether a contract for such removal exists.
- B. Indicate the total amount in dollars spent by Defendant to abate or remove asbestos from your Corpus Christi/ Nueces County facility.
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal at the Corpus Christi/Nueces County plant was ever prepared by Defendant.
- D. State whether corporate documents discussing or relating generally to the removal of asbestos are in existence and/if so, where they are maintained.

ANSWER:

Subject to prior objections, yes.

- A. The following contractors have existing contracts for removal of asbestos:

Service Environmental Co.
Post Office Box 2355
Beaumont, TX 77704
(713) 471-6601
September 1993-present

Industrial Specialist Inc.
Post Office Box 1630
Lake Jackson, TX 77569
(713) 482-2181
1989-present

The following contractors have removed asbestos at this plant, but do not have existing contracts:

Estes Refractory & Insulation
6300 Highway 70 N.
Post Office Box 600
Belle Rose, LA 70544
(512) 874-5127
1993

TGI Stephens
777 N. Eldrige, Suite 315
Houston, TX 77079
(713) 870-9666
August 1991-August 1992

Thermo Tech Inc.
Post Office Box 3109
Orange, TX 77631
(409) 883-4344

Gilman Insulation Co. Inc.
Post Office Box 4074
Corpus Christi, TX 78469
(512) 884-4906
1989-1990

Falcon Associates
Post Office Box 7777
Philadelphia, PA 19175
(215) 785-1260
1992

Brand Remediation Services Inc.
1914 Austin Street
Orange, TX 77630

Northwinds Abatement Inc.
903 Port Houston Street
Houston, TX 77029
(713) 671-5350
August 1994

Casanova Industrial Insulation
Post Office Box 4761
Corpus Christi, TX 78408
(512) 853-1024

- B. Approximately \$7,800,000.
- C. Yes.
- D. Yes. Reynolds Metals Company, Richmond, Virginia and Gregory, Texas.

INTERROGATORY NO. 29:

Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees at the Corpus Christi/Nueces County plant and specifically to Decedent. If so, please indicate what records of such program, examination or surveillance concerning Decedent exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

ANSWER:

Yes. As the records relate to decedent, Defendant has records identifying decedent as a participant in the monitoring program, including participation in the pulmonary function testing program. See documents produced in response to Request for Production No. 10.

INTERROGATORY NO. 30:

Please state whether written warnings were placed at any locations adjacent or near asbestos in place at your Corpus Christi/Nueces County plant anytime from 1965 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed at your Corpus Christi/Nueces County plant and indicate the specific location of each such sign and the dates such sign was located at that location.

ANSWER:

Subject to prior objections, yes. Written warning signs are posted where asbestos is being removed from the Sherwin Alumina Plant. In addition, see deposition testimony of Reynolds Metals Company employees regarding the presence of warning signs at other locations.

EXHIBIT "A"

Dr. Charles D. Dixon
Sherwin Alumina Plant Medical Director (1954)
Deceased

Dr. Draper
Sherwin Alumina Plant Medical Director (19? - 1971)
Deceased

Dr. Harry R. Bratt
Sherwin Alumina Plant Medical Director (1971-1975)

Dr. Robert Dale Gamble
Sherwin Alumina Plant Medical Director (1975-1989)
5301 St. Andrew
Corpus Christi, TX 78413

Dr. John Frandolig
Sherwin Alumina Plant Medical Director (1989-1991)
RR 1, Box 358
Lake Geneva, WI 53147

Dr. Guy Racette
Sherwin Alumina Plant Medical Director (1991-1993)
8122 Deck Street
Corpus Christi, TX 78412

Dr. Wendell Roberts
Sherwin Alumina Plant Medical Director (1993-present)
620 West Johnson Avenue
Aransas Pass, TX

Dr. James MacMillan
Reynolds Metals Company Medical Director (1956-1977)
306 Gunby Drive
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Dr. E. Claiborne Irby
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Acting Medical Director (1992-1993)
8705 Tarrytown Drive
Richmond, VA

Dr. Woolson W. Doane
Corporate Medical Director (1993-present)
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

Homer M. Cole, Corporate Director, Industrial Hygiene and Toxicology
Ronald Benton, Manager, Industrial Hygiene Field Operations and Technical Services
Linda Maillet, Regional Industrial Hygienist, Eastern Region
Laurie Shelby, Manager, Industrial Hygiene Programs
Reynolds Metals Company
6601 West Broad Street
Richmond, VA 23230

James D. Davison, former Staff Industrial Hygienist
Shell Oil Company
Post Office Box 4320
Houston, TX 77210

Stacey Hansen, former Staff Industrial Hygienist
2116 Lennox Road
Richmond, VA

D. R. Hudgins, former Staff Industrial Hygienist
1237 Fountain Road
Newtown, PA 18940

Edward J. Largent, retired from Industrial Hygiene Department
30 Kay Place
Nash, TX 75569

Richard Mansur, retired from Industrial Hygiene Department
1416 Coronet Drive
Richmond, VA

Dale Prokopchak, former Staff Industrial Hygienist
Environmental Technology
3705 Saunders Avenue
Richmond, VA 23227

H. L. Skalsky
Dames and Moore
3 Corporate Park
Suite 300
Irvine, CA 92714

Karen Kestle
Senior Insurance Administrator
6601 West Broad Street
Richmond, Virginia 23230
(804) 281-2988

Woolson W. Doane, M.D.
Corporate Medical Director
6601 West Broad Street
Richmond, Virginia 23230
(804) 281-2773

Bobby J. Sasser
Corporate Safety Director
6601 West Broad Street
Richmond, Virginia 23230
(804) 281-3600

C. Arlon Boatman
Health & Safety Manager, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Homer M. Cole
Corporate Director, Industrial Hygiene and Toxicology
6601 West Broad Street
Richmond, Virginia 23230
(804) 281-3506

Terry N. Roubidoux
Safety Coordinator, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Danis Cheaney
Workers' Compensation Clerk, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

William E. Hamblin
Sr. Maintenance Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Deloris Ulke
Plant Nurse, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Tim Woods
Plant Controller, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

C. R. Marsh
Purchasing Agent, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Dorothy Withers
Secretary to Purchasing Manager, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Frank Strickland
Purchasing Manager, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

D. T. Greeson
Purchasing Agent, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Jim Tiffany
Senior Engineering Supervisor, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Jack C. Oates
Senior Engineering Supervisor, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Howard Lee Grote
Maintenance Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Jesse Castillo
Draftsman, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Edward S. Peterson, Jr.
Senior Project Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

T. J. Mueller, Jr.
Sr. Electrical Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Paul Matula
Designer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

George D. DeAlcala
Electrical Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Charles D. Taylor
Corrosion Control Supervisor, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Audelia T. Rodriguez
Secretary to Plant Engineer, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Hector DeLaGarza
Chemical Products Shipping & Inventory Control Supervisor, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Adan J. Villarreal
Cost Accountant, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Lester Charles Homan
Senior Accountant, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Nelda Salinas
Accounts Payable Clerk, Sherwin Alumina Plant
Post Office Box 9911
Highway 361
Gregory, Texas 78469
(512) 777-2256

Stan Milsap
ProActive Safety Consultant Company
518 Enterprize Parkway
Corpus Christi, Texas 78405
512/289-7291

Joseph Nichols
11801 South Downs Drive
Richmond, VA 23233

Service Environmental Co.
Post Office Box 2355
Beaumont, TX 77704
(713) 471-6601