

7/27/94

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RECEIVED

JUL 28 1994

DRAYDEN, WYCHE & WOOD

DORIS EIRVEN, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF ROBERT H. EIRVEN,
DECEASED, ROBERT EIRVEN, JR.,
AND SHEILA EIRVEN,
Plaintiffs

vs.

UNION CARBIDE CHEMICAL
AND PLASTICS COMPANY, INC.,
Defendant.

CIVIL ACTION NO. H-94-1103

PLAINTIFFS FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTIONTO: DEFENDANT, UNION CARBIDE CHEMICAL AND PLASTICS COMPANY, INC.,
by and through its attorney of record, Mr. Reginald H. Wood,
Drayden, Wyche & Wood, L.L.P., 1360 Post Oak Blvd., Suite
1650, Houston, Texas 77056.

I.

As used in these Requests for Production, the following terms
mean:

- A. "IDENTIFY" when referring to a person means to state the person's full name, present or last known address, and if known, present or former employer, and when referring to a document means to give a reasonable description thereof, its date, and the full name and the present or last known address of the person, firm or corporation having possession, custody or control thereof.
- B. "DOCUMENT" refers to any paper, book, record, letter, memorandum, contract, agreement, invoice, receipt, cancelled check, drawing, sketch, or other similar materials which contain any verbal graphs or pictorial information.
- C. "OCCURRENCE" means the incident made the basis of this suit as alleged in Plaintiff's Petition.

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II.
Interrogatories

COMES NOW the Plaintiff, DORIS EIRVEN, and pursuant to Rule 168 of the Texas Rules of Civil Procedure, serves these Interrogatories upon the Defendant, the answers to which shall be made under oath, separately and fully in writing and served on the undersigned within 30 days after service of such interrogatories. Plaintiff requests Defendant to continue to supplement their answers to these interrogatories as provided by Rule 168.

By: Catherine Baen

CATHERINE BAEN

STATE BAR NO. 01501500

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this foregoing document was sent to all counsel of record on this 22nd day of July, 1994 by U. S. Mail and/or hand delivery, Certified Mail Return Receipt Requested or Facsimile.

Catherine Baen
CATHERINE BAEN

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PLAINTIFF'S FIRST SET OF INTERROGATORIES

1. Please state the name of each person answering or contributing to the answers to these questions, their addresses and position with or relationship with the Defendant.

Answer:

2. Please state the Defendant's correct legal name.

Answer:

3. Please state whether service of process to this Defendant was insufficient as it concerns this lawsuit. If you contend that service of process was insufficient, please state the basis of such contention(s).

Answer:

4. In which state or states is this Defendant considered to be a citizen, either by way of its incorporation or where the Defendant has its principal place of business?

Answer:

5. Please state whether the Defendant is a natural person, corporation, company, assumed name or other entity.

Answer:

6. State the name, last known address, last known telephone number and the relationship with the Defendant, if any, of each and every person or organization who may be a potential party to this case or who may have knowledge of relevant facts.

"A person has knowledge of relevant facts when he or she has or may have knowledge of any discoverable matter. The information need not be admissible in order to satisfy the requirements of this subsection and personal knowledge is not required."

Answer:

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7. Please give the name, address, telephone number of each person that you expect to call as an expert witness at trial and state the subject on which the expert is expected to testify, and the substance of the facts and opinions to which the expert is expected to testify.

Answer:

8. Please give the name, address, telephone number and area of expertise of each consulting expert upon whose work a testifying expert in this matter will rely upon.

Answer:

9. State precisely each and every act or omission on the part of Plaintiff (or any other entity whose negligence you contend should be imparted to the Plaintiffs) that you contend was negligent and which was the sole proximate cause of the occurrence made the basis of this lawsuit.

Answer:

10. Please specify whether this Defendant has in their possession, custody or control any statements made by the Plaintiffs and or the decedent concerning the subject matter of this lawsuit. Please state the date the statement was given, and the form, whether recorded or written, of the statement.

Answer:

11. Please identify and give the last known address and phone number of all industrial hygienists employed by this Defendant at the facility located in Texas City/Galveston County, Texas at any time during the time period 1974 to 1990.

Answer:

12. Please identify and give the last known address and phone number of all industrial hygienists employed by this Defendant at the corporate level at any time during the time period 1974 to 1990.

Answer:

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13. Please identify and give the last known address and phone number of all environmental personnel employed by this Defendant at the facility located in Texas City/Galveston County, Texas at any time during the time period 1974 to 1990.

Answer:

14. Please identify and give the last known address and phone number of all environmental engineers personnel employed by this Defendant at the corporate level at any time during the time period 1974 to 1990.

Answer:

15. Please identify and give the last known address and phone number of all safety superintendents, safety supervisors and safety engineers employed by this Defendant at the facility located in Texas City/Galveston County, Texas, at any time during the time period 1974 to 1990.

Answer:

16. Please identify and give the last known address and phone number of all safety superintendents, safety supervisors, and safety engineers employed by this Defendant at anytime during the time period 1974 to 1990.

Answer:

17. Please identify and give the last known address and phone number of all physicians employed by this Defendant at the refinery located in Texas City/Galveston County, Texas, at any time during the time period 1974 to 1990.

Answer:

18. Please identify and give the last known address and phone number of all physicians employed by this Defendant at the corporate level at any time during the time period 1974 to 1990.

Answer:

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19. Please identify and give the last known address and phone number of all toxicologists employed by this Defendant at the corporate level at anytime during the time period 1974 to 1990.

Answer:

20. Please identify and give the last known address and phone number of all epidemiologists employed by this Defendant at the corporate level at anytime during the time period 1974 to 1990.

Answer:

21. Please identify and give the last known address and phone number of all maintenance supervisors and managers for buildings 4, 90, 91 & 133 at any time during the time period 1974 to 1990.

Answer:

22. Please identify and give the last known address and phone number of all operations supervisors and managers for buildings 4, 90, 91 & 133 at any time during the time period 1974 to 1990.

Answer:

23. Please list any lawsuits against your company where it was alleged that the plaintiff's injuries were caused by exposure to vinyl chloride at your plant.

Answer:

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REQUESTS FOR PRODUCTION

1. Please produce all testifying experts' reports and consulting experts' reports, relied upon by testifying experts, generated for this case.

Response:

2. Please produce all documents contained in Robert H. Eirven's personnel file.

Response:

3. Please produce all documents contained in Robert H. Eirven's medical file.

Response:

4. Please produce all written, tape recorded, and/or videotaped statements of Robert H. Eirven and/or the Plaintiffs that are in the care, custody and control of this Defendant.

Response:

5. Please produce all documents that indicate Robert H. Eirven received training and/or information concerning the health and safety hazards of vinyl chloride while he was employed by this Defendant.

Response:

6. Please produce all documents that indicate Robert H. Eirven received training and/or information concerning health and safety hazards of chemicals while he was employed by this Defendant.

Response:

UCC 073635

7. Please produce all documents that indicate Robert H. Eirven received training and/or information concerning carcinogens and suspect carcinogens while he was employed by this Defendant.

Response:

8. Please produce all documents concerning industrial hygiene exposure monitoring at this Defendant's Texas City/Galveston County facility.

Response:

9. Please produce plot plans and process flow diagrams for this Defendant's refinery located in Texas City/Galveston County, Texas.

Response:

10. Please produce plot plans for the storm water and process sewer systems for the Defendant's Texas City/Galveston County facility.

Response:

11. Please produce all industrial hygiene exposure monitoring results and reports concerning emissions of vinyl chloride from the storm water sewer systems, process sewer systems and API/CPI separation systems at this Defendant's Texas City/Galveston County facility.

Response:

12. Please produce all documents concerning epidemiological studies of this Defendant's refineries where vinyl chloride was present. Please produce the drafts as well as preliminary and final reports.

Response:

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13. Please produce all documents in this Defendant's files that indicate exposure to vinyl chloride is associated with causing cancer in humans.

Response:

14. Please produce all documents indicating this Defendant has violated any federal, state and local government environmental regulations concerning the emission of chemicals into the air, soil and/or water from this Defendant's refinery located in Texas City/Galveston County, Texas.

Response:

15. Please produce all documents indicating the Defendant has violated any OSHA regulation.

Response:

16. Please produce your "Inventory of Chemicals" and MSDS's for 1974 to 1990.

Response:

17. Please produce your Industrial Hygiene Sampling Records from the Chirkles System for 1974 to 1990.

Response:

18. Please produce your Industrial Hygienist monitoring data from all independent subcontractor industrial hygienists for 1974 to 1990.

Response:

19. Please produce all conclusions and recommendations based on Industrial Hygienist Samplings and your management's responses to those for 1974 to 1990.

Response:

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20. Please produce all Engineering Controls implemented in Response to Industrial Hygiene Recommendations for 1974 to 1990.

Response:

21. Please produce all employee notifications of exposure reports for 1974 to 1990.

Response:

22. Please produce all Industrial Hygiene monthly exposure records for 1974 to 1990.

Response:

23. Please produce your "codification table."

Response:

24. Please produce all "Budgets and Capital Expenditures" for Industrial Hygiene and Safety for 1974 to 1990.

Response:

25. Please produce your "confined space" policy for 1974 to 1990.

Response:

26. Please produce your "confined space" requirements for 1974 to 1990.

Response:

27. Please produce a list of all major spills, upset reports, and notice of violations for 1974 to 1990.

Response:

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28. Please produce all documents concerning medical qualification for respiratory protection, pulmonary function tests, fit testing certification, and training for respiratory use for Robert Eirven.

Response:

29. Please produce all safety policies, industrial hygiene policies, and hazardous communications program for your plant for 1974 to 1990.

Response:

30. Please produce all industrial hygiene training programs for your plant for 1974 to 1990.

Response:

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