

NO. 96-333

IRMA BUSTAMANTE, INDIVIDUALLY § IN THE COUNTY COURT
AND AS PERSONAL REPRESENTATIVE §
OF THE HEIRS AND ESTATE OF JOSE §
PERALTA, DECEASED §
VS. § AT LAW NO. THREE
OWENS CORNING (A/K/A OWENS §
CORNING CORPORATION), ET AL § EL PASO COUNTY, TEXAS

CHEVRON U.S.A. INC.'S RESPONSES
TO PLAINTIFF'S SECOND SET OF REQUEST FOR ADMISSIONS
PROPOUNDED ON PREMISES DEFENDANT CHEVRON U.S.A., INC.

TO: Plaintiff by and through their attorneys of record, Holly Huart and Stephanie Finch, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A., INC., Defendant herein, and makes and files this its
Response to Plaintiffs' Second Request for Admission Propounded on Premises Defendant Chevron,
U.S.A., Inc.

Respectfully submitted,

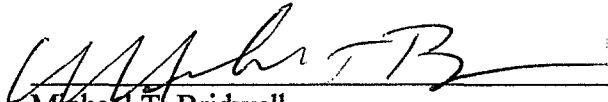
STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.

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ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A., INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, ~~and to all other counsel of record by regular mail~~, on this the 20 day of APRIL, 2001.



Michael T. Bridwell

A. OBJECTIONS TO DISCOVERY

1. Defendant objects to Plaintiffs' Second Set of Request for Admissions Propounded on Premises Defendant Chevron U.S.A., Inc. in its entirety because it was served in a direct contravention of standing order number 1 for asbestos litigation in the district courts and county Courts at Law of El Paso County, Texas. Standing order number 1 prohibits such discovery requests from being served and responses being required without leave of court after hearing. See II, paragraph 14 of standing order number 1.
2. Defendant objects to the whole of Plaintiffs' discovery requests as so overly broad and unduly burdensome that Plaintiffs' discovery constitutes harassment. This suit involves a person employed by a finite number of employers at a finite number of locations during specific years. Plaintiffs' claim is that the injured party was exposed to asbestos containing products on Defendant's premises during the course and scope of his employment with known employers. Plaintiffs should be seeking information relevant to issues raised by that particular fact situation. Plaintiffs' attempts to expand discovery to include information regarding irrelevant time periods and irrelevant materials produced at irrelevant locations by irrelevant persons or entities constitutes an impermissible abuse of the discovery rules and general misuse of the laws of the State of Texas.

B. OBJECTIONS TO PLAINTIFFS' DEFINITIONS

1. Defendant objects to Plaintiffs' definitions of the terms "Defendant", "you", and "yours", and "your company". To the extent the terms could be read to refer to Defendant's attorneys, any request for admission utilizing any of these terms necessarily invades the work product and/or attorney-client privileges embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are intended to include predecessors, divisions, subsidiaries, forms of subsidiaries, forms of subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate Defendant, any request for admission utilizing these terms is so overly broad and over burdensome as to make any requests utilizing the term virtually impossible to answer. Further, to the extent the definition is intended to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, forms of subsidiaries, forms of subsidiaries of predecessors, and/or affiliates, any request for admission utilizing any of these terms is necessarily overly broad, unduly burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiffs' apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control.

2. Defendant objects to Plaintiffs' definition of the terms "document", "documents", "written materials", or "printed materials" as the definition of those terms renders any requests utilizing any of these terms overly broad, unduly burdensome, harassing, and reduces any such discovery requests to a "fishing expedition" in discovery. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.
3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any or request for admission utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.
4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.
5. Defendant objects to Plaintiff's definition of the term "medical advisory capacity" in that the definition renders any request for admission utilizing the term overly broad, over burdensome, harassing and calling for information which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
6. Defendant objects to Plaintiff's definition of the terms "medical department" and "safety department" in that the definition renders any request for admission utilizing the term overly broad, over burdensome, harassing and calling for information which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
7. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any request for admission utilizing these terms is vague and ambiguous in that issues exists and minds differ with respect to impairments or disabilities and their associations with exposures to asbestos dust and fibers, if any.

REQUEST FOR ADMISSION NO. 1:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 2:

Admit that if Plaintiff worked at Defendant's Premises during the years Plaintiff has indicated he worked at Defendant's Premises, it is foreseeable that Plaintiff would have been exposed to asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, multifarious, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 3:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises during the years Plaintiff has indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny whether Defendant's employees did any such work at the Houdry Unit from 1953-1957.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working around asbestos-containing materials at Defendant's Premises during the years Plaintiff has indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny whether Defendant's employees worked with others working with asbestos on the Houdry Unit from 1953-1957.

REQUEST FOR ADMISSION NO. 5:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises during the years Plaintiff has indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny whether contractor employees did any such work at the Houdry Unit from 1953-1957.

REQUEST FOR ADMISSION NO. 6:

Admit that contractors were working around asbestos-containing materials at Defendant's Premises during the years Plaintiff has indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent

the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether contractor employees did any such work at the Houdry Unit from 1953-1957.

REQUEST FOR ADMISSION NO. 7:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises

upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 10:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 11:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 12:

Admit that you did not utilize engineering controls such as isolation or enclosure at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not utilize engineering controls such as isolation or enclosure at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable

to admit or deny.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not utilize engineering controls such as isolation or enclosure at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague,

ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize engineering controls such as isolation or enclosure at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not utilize ventilation or exhaust systems to divert dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms

“manipulated” and “utilized are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not utilize ventilation or exhaust systems to divert dust at Defendant’s Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definitions of the terms “Your”, “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms “manipulated” and “utilized” are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not utilize ventilation or exhaust systems to divert dust at Defendant’s Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this

request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not utilize ventilation or exhaust systems to divert dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 21:

Admit that you did not utilize ventilation or exhaust systems to divert dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the

work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that you did not utilize dust collecting engineering controls to trap airborne asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 23:

Admit that you did not utilize dust collecting engineering controls to trap airborne asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither

relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 24:

Admit that you did not utilize dust collecting engineering controls to trap airborne asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 25:

Admit that you did not utilize dust collecting engineering controls to trap airborne asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises

upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 26:

Admit that you did not utilize dust collecting engineering controls to trap airborne asbestos dust at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilized" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not require workers at Defendant's Premises to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not require workers at Defendant's Premises to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 29:

Admit that you did not require workers at Defendant's Premises to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not require workers at Defendant's Premises to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not require workers at Defendant's Premises to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at Defendant's Premises where your asbestos-containing materials were being used, manipulated, installed or removed during the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "manipulated" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at Defendant's Premises where asbestos-containing materials were being used, manipulated, installed or removed during the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilization" are vague, ambiguous and subject to multiple

interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at Defendant's Premises where asbestos-containing materials were being used, manipulated, installed or removed during the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilization" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 34:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at Defendant's Premises where asbestos-containing materials were being used, manipulated, installed or removed during the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs'

definitions of the terms “Your”, “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms “manipulated” and “utilization” are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 35:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at Defendant’s Premises where asbestos-containing materials were being used, manipulated, installed or removed during the 1980’s.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definitions of the terms “Your”, “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms “manipulated” and “utilization” are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 36:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at Defendant’s Premises where asbestos-containing materials were being used, manipulated, installed or removed during the 1990’s.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this

request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "Your", "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the terms "manipulated" and "utilization" are vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 37:

Admit that you never posted warning, caution or hazard signs relating to asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 38:

Admit that you never posted warning, caution or hazard signs relating to asbestos at Defendant's Premises in Spanish.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 39:

Admit that asbestos-containing materials were installed under your direction, supervision, and/or control at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant denies that all such installation was done under Defendant's direction, supervision and/or control as such materials were often installed, if at all, by independent contractors. Following reasonable inquiry, Defendant is unable to admit or deny with respect to the Houdry Unit in 1953-1957.

REQUEST FOR ADMISSION NO. 40:

Admit that asbestos-containing materials were installed per your specifications at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that certain materials were installed at certain locations on Defendant's premises at certain times were specified to the asbestos containing prior to Defendant switching to asbestos free materials. Defendant is unable to admit or deny whether any such materials were installed at the Houdry Unit between 1953 and 1957.

REQUEST FOR ADMISSION NO. 41:

Admit that asbestos-containing materials were installed at Defendant's Premises in the 1950's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The request does not specify the product about which Plaintiff is inquiring. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether such products were installed or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR ADMISSION NO. 42:

Admit that asbestos-containing materials were installed at Defendant's Premises in the 1960's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. This request is further irrelevant as Plaintiff is alleged to have worked at a specified unit from 1953-1957. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The request does not specify the product about which Plaintiff is inquiring. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as irrelevant as Plaintiff is alleged to have worked at a specified unit from 1953-1957.

REQUEST FOR ADMISSION NO. 43:

Admit that asbestos-containing materials were installed at Defendant's Premises in the 1970's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The request does not specify the product about which Plaintiff is inquiring. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as irrelevant as Plaintiff is alleged to have worked at a specified unit from 1953-1957.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing materials were installed at Defendant's Premises in the 1980's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The request does not specify the product about which Plaintiff is inquiring. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as irrelevant as Plaintiff is alleged to have worked at a specified unit from 1953-1957.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing materials were installed at Defendant's Premises in the 1990's.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The request does not specify the product about which Plaintiff is inquiring. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as irrelevant as Plaintiff is alleged to have worked at a specified unit from 1953-1957.

REQUEST FOR ADMISSION NO. 46:

Admit that you failed to provide health and safety procedures relating to Defendant's Premises to contractors working at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "working" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 47:

Admit that you failed to provide health and safety procedures in Spanish relating to Defendant's Premises to contractors working at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this

request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "working" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, Defendant required contract employees or at least liaison employees to speak English, therefore, denied.

REQUEST FOR ADMISSION NO. 48:

Admit that you did not protect contractor employees from exposure to asbestos on Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous and overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as the term "protect" is vague, ambiguous and subject to multiple interpretations in the context of this suit.

Without waiving the foregoing, Defendant admits that once hazards of asbestos containing materials became known, Defendant took precautions to protect all employees from exposure to asbestos containing products on the premises. Otherwise, denied.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos is still in use at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad, vague and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked or the products to which the request refers. Defendant further objects to this request as harassing and virtually impossible

to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that at certain locations in the refinery some asbestos containing products are still in place; however, Defendant no longer utilizes asbestos containing products and any such material in place is not removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 50:

Admit that the United States government, or some part of this entity, has contracted with Defendant for work at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny as to the El Paso refinery.

REQUEST FOR ADMISSION NO. 51:

Admit that the United States government, or some part thereof, paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny as to the El Paso refinery.

REQUEST FOR ADMISSION NO. 52:

Admit that Defendant owned Defendant's Premises during the years Plaintiff indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as it assumes Plaintiff worked at Defendant's premises during the entire time Plaintiff alleged he worked there. Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name entity which owned the refinery located at 6501 Trowbridge, El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not conduct air monitoring tests on Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 54:

Admit that you did not conduct air monitoring tests in the 1950's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing

and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, denied.

REQUEST FOR ADMISSION NO. 55:

Admit that you did not conduct air monitoring tests in the 1960's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, denied.

REQUEST FOR ADMISSION NO. 56:

Admit that you did not conduct air monitoring tests in the 1970's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 57:

Admit that you did not conduct air monitoring tests in the 1980's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 58:

Admit that you did not conduct air monitoring tests in the 1990's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous in that the type of "monitoring test" inquired about is not specified. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 59:

Admit that you did not conduct air monitoring tests for levels of asbestos in the air in the 1950's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as

harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, denied.

REQUEST FOR ADMISSION NO. 60:

Admit that you did not conduct air monitoring tests for levels of asbestos in the air in the 1960's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, denied.

REQUEST FOR ADMISSION NO. 61:

Admit that you did not conduct air monitoring tests for levels of asbestos in the air in the 1970's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 62:

Admit that you did not conduct air monitoring tests for levels of asbestos in the air in the 1980's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 63:

Admit that you did not conduct air monitoring tests for levels of asbestos in the air in the 1990's at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 64:

If you maintain that you did conduct any air monitoring at any time at Defendant's premises, admit that air monitoring conducted showed that asbestos levels were above PEL at Defendant's Premises.

RESPONSE: Defendant objects to this request as multifarious as well as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to

the specific areas within the premises upon which Plaintiff claims to have worked. The request is vague and ambiguous in that it does not specify the PEL at the time any such monitoring was done. The request is argumentative and suggests that any personnel tested at such level, if any, were not adequately protected, which is denied. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, denied.

REQUEST FOR ADMISSION NO. 65:

If you maintain that you did conduct air monitoring at any time at Defendant's Premises, admit that you failed to inform Plaintiff or Plaintiff's employer that the air monitoring conducted showed that asbestos levels were above PEL at Defendant's Premises.

RESPONSE: Defendant objects to this request as multifarious as well as overly broad and irrelevant in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. The request is vague and ambiguous in that it does not specify the PEL at the time any such monitoring was done. The request is argumentative and suggests that any personnel tested at such level, if any, were not adequately protected, which is denied. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether any such tests were conducted at the Houdry Unit from 1953-1957. Otherwise, denied.

REQUEST FOR ADMISSION NO. 66:

Admit that you knew there were business invitees at Defendant's premises who did not speak or understand English.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this

request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, admitted.

REQUEST FOR ADMISSION NO. 67:

Admit that you failed to provide safety orientations to contractor employees prior to their working at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 68:

Admit that you failed to provide safety orientations in Spanish to contractor employees prior to their working at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that it required contractors to have an employee who spoke Spanish to communication information. Otherwise, denied.

REQUEST FOR ADMISSION NO. 69:

Admit that you hired Plaintiff's employer to remove asbestos from Defendant's Premises during the year that Plaintiff has indicated he worked for his employer at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 70:

Admit that you hired Plaintiff's employer to replace asbestos at Defendant's Premises during the years that Plaintiff has indicated he worked for his employer at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 71:

Admit that you hired Plaintiff's employer to install asbestos at Defendant's Premises during the years that Plaintiff has indicated he worked for his employer at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs'

definitions of the terms “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 72:

Admit that you hired Plaintiff's employer to clean up asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 73:

Admit that you hired Plaintiff's employer to do new construction at Defendant's Premises during the years that Plaintiff has indicated he worked for his employer at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms “You” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 74:

Admit that you hired Plaintiff's employer to do remodeling at Defendant's Premises during the years that Plaintiff has indicated he worked for his employer at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 75:

Admit that you were governed by the Walsh Healy Act at Defendant's Premises during the years that Plaintiff has indicated he worked at Defendant's Premises.

RESPONSE: Defendant objects to this request as overly broad, over burdensome, harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You" and "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as calling for a legal conclusion.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, same is denied.

REQUEST FOR ADMISSION NO. 76:

Admit that you attended the 7th Saranac Symposium in 1972.

RESPONSE: Defendant objects to this request as overly broad, over burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "You", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, same is denied.

REQUEST FOR ADMISSION NO. 77:

Admit that you attended the Texas Chemical Council meetings.

RESPONSE: Defendant objects to this request as overly broad, over burdensome, harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, same is denied.

REQUEST FOR ADMISSION NO. 78:

Admit that you attended the New York Academy of Sciences conference on biological effects of asbestos held in October, 1964.

RESPONSE: Defendant objects to this request as overly broad, over burdensome, harassing and virtually impossible to answer given Plaintiffs' definitions of the terms "You", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny. If further answer is required, same is denied.

APR.25.01.806969

NO. 99-3990

IRMA BUSTAMANTE, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE HEIRS AND ESTATE OF JOSE
PERALTA, DECEASED

VS.

OWENS CORNING (A/K/A OWENS
CORNING CORPORATION), ET AL

§ IN THE COUNTY COURT
§
§
§
§
§ AT LAW NO. THREE
§
§
§ EL PASO COUNTY, TEXAS

CERTIFICATE OF WRITTEN DISCOVERY

This is to certify that on April 20, 2001, Defendant, Chevron U.S.A. Inc, served on the Plaintiff the following:

- Chevron U.S.A. Inc.'s Amended Responses to Plaintiffs' First Set of Interrogatories, Requests for Admission and Request for Production;
- Chevron U.S.A. Inc.'s Responses to Plaintiff's Second Set of Request for Admissions Propounded on Premises Defendant Chevron U.S.A. Inc.;
- Chevron U.S.A. Inc.'s Responses to Plaintiff's Second Requests for Production Propounded on Premises Defendant Chevron U.S.A. Inc.

RECEIVED EL/PR

4-24-01 *lha*
DATE INITIALS

Image

HH

LT

AV

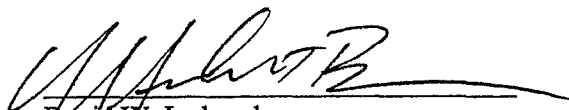
Watkins

Youngblood

Ruth

Respectfully submitted,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.

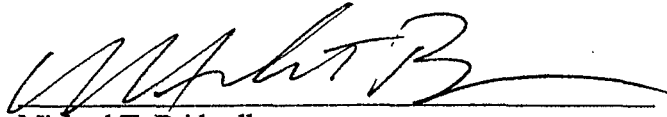


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Michael T. Bridwell
State Bar No. 02979600
14th Floor, San Jacinto Building
Beaumont, Texas 77701-3255
(409)981-1000
FAX(409)981-1010

ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this the 20th day of April, 2001.



Michael T. Bridwell

STRONG, PIPKIN, NELSON, BISSELL & LEDYARD, L.L.P.

ATTORNEYS AT LAW

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April 20, 2001

Edie Rubalcaba, District Clerk
Room 103, County Courthouse
500 E. San Antonio
El Paso, Texas 79901

Re: Cause No. 99-3990; Irma Bustamante, et al vs. Owens Corning, et al; County Court At Law No. Three, El Paso County, Texas

Dear Mr. Rubalcaba,

Enclosed herein please find

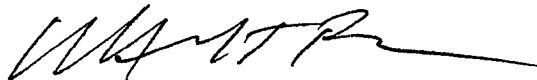
- **Certificate of Written Discovery.**

Please acknowledge receipt and date of filing by stamping the extra copy and returning it to our office in the enclosed self addressed stamped envelope.

By copy of this letter, all known counsel of record are being furnished with a copy.

Sincerely,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.



Michael W. Bridwell

MTB/mp
Enclosures

cc: Ms. Holly Huart **CM/RRR**

All Known Counsel of Record