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PLAINTIFF'S
EXHIBIT
UPRC-71

June 21, 2000

Ms. Holly J.W. Huat
Ms. Stephanie Finch
Baron & Budd
3102 Oak Lawn Avenue
The Centrum, Suite 1100
Dallas, Texas 75219

CMRRR NO. Z 150 617 334

Re: Cause No. 90G2055; *Weldon R. Moake, et al v. Owens-Corning Fiberglas Corp.*; In
the 239th Judicial District Court of Brazoria County, Texas

Dear Ms. Huat and Ms. Finch:

Transmitted herewith please find Defendant Union Pacific Resources Company f/k/a Champlin Petroleum Company, Individually and as Successor by Merger to Pontiac Refining Corporation's Objections and Answers to Plaintiff's First Set of Interrogatories, and Objections and Responses to Plaintiff's First Request for Production and First Request for Admissions.

Sincerely yours,

HAYS, McCONN, RICE & PICKERING



Craig S. Wolcott

.CSW:elp

Enclosures

cc: All other known counsel of record (w/o encl.)

NO. 90G2055

WELDON R. MOAKE, and
JANICE I. MOAKE, ET AL.

VS.

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL.

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IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

239TH JUDICIAL DISTRICT

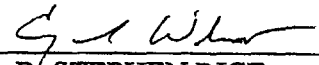
DEFENDANT UNION PACIFIC RESOURCES COMPANY
E/K/A CHAMPLIN PETROLEUM COMPANY, INDIVIDUALLY
AND AS SUCCESSOR BY MERGER TO PONTIAC REFINING CORPORATION'S
OBJECTIONS AND ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES, AND OBJECTIONS AND RESPONSES
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION AND
FIRST REQUEST FOR ADMISSIONS

TO: PLAINTIFF WELDON RUSSELL MOAKE, by and through his attorneys of record, Ms. Holly J.W. Huart and Ms. Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW DEFENDANT UNION PACIFIC RESOURCES COMPANY, f/k/a Champlin Petroleum Company, Individually and as Successor by Merger to Pontiac Refining Corporation and, pursuant to Rule 190, *et seq* of the Texas Rules of Civil Procedure, serves this its Objections and Answers to Plaintiff's First Set of Interrogatories and Objections and Responses to Plaintiff's First Request for Production and First Request for Admissions.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 
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UNION PACIFIC RESOURCES COMPANY, F/K/A
CHAMPLIN PETROLEUM COMPANY,
INDIVIDUALLY AND AS SUCCESSOR BY
MERGER TO PONTIAC REFINING
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this 21st day of June, 2000.


CRAIG S. WOLCOTT

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition of the terms "Defendant," "You," "Your" and "Your Company" on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries and other separately incorporated non-parties thus rendering the Plaintiff's stated definitions overly broad, vague and improper.

Defendant objects to the stated definition of the terms "Document," "Documents," "Written Materials" and "Printed Materials" on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production "regardless of who now has or formerly had custody, possession or control" on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms "Meeting" or "Meetings" on the grounds it is so overly broad and vain and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms "products containing asbestos fiber," "asbestos containing products" and "asbestos products" on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

PRELIMINARY STATEMENT OF UNION PACIFIC RESOURCES COMPANY

Union Pacific Resources Company, a Delaware Corporation is currently an independent corporation but was previously a subsidiary of Union Pacific Corporation. A predecessor of Union Pacific Corporation purchased the stock of Champlin Petroleum Company and the former Pontiac Refinery from Celanese Corporation of America in 1969. Champlin Petroleum Company's name was changed to *Union Pacific Resources Company* in 1987. Also, effective January 1, 1987, 50% interest in the Corpus Christi refinery was sold to a subsidiary of PDVSA, the National Oil Company of Venezuela. A general partnership was established known as the Champlin Refining Company partnership operating the Corpus Christi refinery on behalf of the 50% interest held by a subsidiary of PDVSA and 50% interest held by Champlin Refining Inc., a wholly owned subsidiary of Champlin Petroleum Company (now known as Union Pacific Resources Company). Effective January 1, 1989, Champlin Refining, Inc. had sold its remaining 50% interest in Champlin Refining Company to a subsidiary of PDVSA which was subsequently merged by PDVSA into PDVSA's CITGO Petroleum Company.

Following the sale of its interest in the Corpus Christi Refinery, (formerly known as the Pontiac Refinery), Champlin Petroleum Company, now known as Union Pacific Resources Company, retained no records or documents relating to the operation of that refinery. All such documentation remained in the possession of the current owner and operator of that refinery.

**PLAINTIFF'S INTERROGATORIES, REQUESTS FOR PRODUCTION,
AND REQUESTS FOR ADMISSIONS**

INTERROGATORY NO. 1:

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

RESPONSE:

Defendant Union Pacific Resources Company is a corporation. The information necessary for responding to these interrogatories came from a variety of sources and/or documents. Objection: Defendant Union Pacific Resources Company objects to providing a year-by-year list of positions, titles or jobs held, as excessive, overbroad, and irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the matters the basis of this suit, not limited to the relevant time period, not limited to the relevant site, and therefore, seeks disclosure of information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Asbestos-containing products were used and/or otherwise acquired by the Corpus Christi Refinery.

REQUEST FOR PRODUCTION NO. 1:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1989.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the matters the basis of this suit, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Plaintiff has failed to identify the time and/or places wherein he allegedly worked on Defendant's premises, and therefore Defendant is without sufficient information to admit or deny; accordingly, this request is denied.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendants Premises

ANSWER:

See Objection to Request for Admission No. 2. Subject thereto, not applicable.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, nor limited to the matters made the basis of this suit, specifically alleged exposure to asbestos fibers, and

therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced by Defendant in Cause No. 96-03172-A; *Ramon T. Cedillo, et al v. Owens-Corning Fiberglas Corporation, et al*; In the 28th Judicial District Court of Nueces County, Texas ("*Cedillo* case").

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, and therefore irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant is without any knowledge or information that Plaintiff was ever employed by Defendant; accordingly, this request is denied.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, specifically alleged exposure to asbestos fibers, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced by Defendant in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced by Defendant in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Defendant is without sufficient information to admit or deny; accordingly this request is denied.

REQUEST FOR PRODUCTION NO. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant has no documents which show Plaintiff ever worked on any premises owned by Defendant or by any predecessor-in-interest of Defendant.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1989, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the Plaintiff serving this request, and therefore seeks records and information which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1952 and 1989, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, and seeks records and information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1952 and 1989 and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed
- c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1989, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced by Defendant in the *Cedillo* case.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1952 and 1989.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE:

Defendant is without sufficient information to admit or deny this request; accordingly, this request is denied.

REQUEST FOR PRODUCTION NO. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, and seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson and Loftin v. Martin*. Subject thereto: Defendant knows of no documents that indicate Plaintiff worked on Defendant's premises where Defendant used or applied asbestos-containing products. See documents produced by Defendant in the *Cedillo* case.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Corpus Christi, Texas? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad and vague. Interrogatories are not properly used to request a party to marshal evidence. Tex.R.Civ.P. Rule 194, comment 2. Subject thereto: Defendant contends Plaintiff has presented no evidence of exposure to asbestos while working at Defendant's premises in Corpus Christi, Texas.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE:

Deny.

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request as excessive, overbroad, vague, not limited to the time period relevant in this case, nor limited to the site where Plaintiff allegedly worked, and, therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto, see documents produced by Defendant in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Deny.

REQUEST FOR PRODUCTION NO. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, and seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto, see documents produced by Defendant in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request as excessive, overbroad, vague, not limited to the site where Plaintiff allegedly worked on Defendant's premises, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request as excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the relevant site, and thus seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, see all photographs or other videographic records produced in the *Cedillo* case.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory as excessive, overbroad, vague, not limited to the time period relevant in this suit and therefore irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the relevant site, and therefore seeks production of documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, deny.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, and not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and

- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case and not limited to the site relevant in this case, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE:

Deny.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Interrogatories are not properly used to request a party to marshal evidence. T.R.C.P. Rule 197.1. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Interrogatories are not properly used to request a party to marshal evidence. T.R.C.P. Rule 197.1. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Interrogatories are not properly used to request a party to marshal evidence. T.R.C.P. Rule 197.1. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: Air Line Respirators were issued for asbestos exposure. See documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952-1989 for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory in that it assumes facts not in evidence, it is excessive, overbroad, general, vague, and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 13:

Do you contend that Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1952 to determine the quantity of asbestos fibers in the air at the Champlin Petroleum Company (individually and as successor-by-merger to Pontiac Refining Corporation) facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this sit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson and Loftin v. Martin*.

REQUEST FOR ADMISSION 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 18:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, nor limited to the site made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson and Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request in that it assumes facts not in evidence, is excessive, overbroad, vague, not limited to the relevant time period nor to the relevant site, and therefore seeks information which is irrelevant and not reasonably calculated to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson and Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the information of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request in that it assumes facts not in evidence, is excessive, overbroad, vague, not limited to the relevant time period nor to the relevant site, and therefore seeks information which is irrelevant and not reasonably calculated to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 21:

If you deny the foregoing request, in whole or in part, produce all documents supporting your

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, nor limited to the site made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson and Loftin v. Martin*.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period nor limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory as excessive, overbroad, vague, not limited to asbestos, not limited to the time period relevant to this suit, not limited to the site relevant to this suit, and therefore seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the worksites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1989, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: deny.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1952 and 1989 Defendant had the power to control Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1952 and 1989, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 26:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1952 and 1989, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 27:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant

further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1952 and 1989, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 28:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1952 and 1989, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 29:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1952 and 1989, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 30:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1952 and 1989, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant

further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1952 and 1989, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 32:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 30:

Admit the between the years 1952 and 1989, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1952 and 1989 Defendant controlled Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1952 and 1989, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant

further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1952 and 1989, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1952 and 1989, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1952 and 1989, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1952 and 1989, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an

improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1952 and 1989, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1952 and 1989, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1952 and 1989, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 42:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an

improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1952 and 1989, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Champlin Petroleum Company (individually and as successor-by-merger to Pontiac Refining Corporation) facility, who were engaged in activities which could be potentially hazardous to either themselves or Champlin Petroleum Company (individually and as successor-by-merger to Pontiac Refining Corporation) employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Interrogatories are not properly used to request a party to marshal evidence. T.R.C.P. Rule 197.1. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 44:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an

improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 47:

If you deny the foregoing request , in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 48:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 49:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 51:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 52:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

ANSWER:

Objection: Defendant Union Pacific Resource Company objects to this interrogatory on the grounds it is lacking in specificity, ambiguous, excessive, overly broad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory.

REQUEST FOR PRODUCTION NO. 54:

Produce all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time, not limited to the relevant site, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time, not limited to the relevant site, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work. Independent contractors are responsible for the health and safety of their employees while on the job.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time nor limited to the relevant site, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work. Independent contractors are responsible for the health and safety of their employees while on the job.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time, not limited to the relevant site, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work. Independent contractors are responsible for the health and safety of their employees while on the job.

REQUEST FOR PRODUCTION NO. 55:

Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiff's Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, undue burden, unnecessary expense, harassment. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague and assumes facts not in evidence. Subject thereto: Defendant does not contend Plaintiff has an asbestos-related injury. T.R.C.P. Rule 197.1 provides parties are not required to marshal evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory.

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Defendant Union Pacific Resources Company denies that Plaintiff has an asbestos-related injury, and that any exposure at Defendant's premises was a substantial contributing factor in any injury to Plaintiff.

REQUEST FOR PRODUCTION NO. 56:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, assumes facts not in evidence and seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and assumes facts not in evidence. Subject thereto: Defendant denies there was an unreasonable risk of asbestos-related injury at Defendant's site.

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and assumes facts not in evidence. Subject thereto: Defendant denies there was an unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's site.

REQUEST FOR PRODUCTION NO. 57:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time, not limited to the relevant site, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and assumes facts not in evidence. Subject thereto: Defendant denies that Plaintiff has an asbestos-related injury, and Defendant denies it failed in anything relative to Plaintiff.

REQUEST FOR PRODUCTION NO. 58:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request to the extent it seeks production of documents equally accessible and available to Plaintiff as to Defendant. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: Defendant refers Plaintiff to Plaintiff's medical records and employment records.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad and vague. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: see documents produced in the *Cedillo* case. See Plaintiff's employment records.

REQUEST FOR PRODUCTION NO. 63:

Produce all documents used, referred to or relied upon in answering any Interrogatories.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, unduly burdensome, an unnecessary expense and harassment and annoyance of this party. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR PRODUCTION NO. 64:

Produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, unduly burdensome, an unnecessary expense and harassment and annoyance of this party, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage, inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, unduly burdensome, an unnecessary expense and harassment and annoyance of this party, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and thus seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Interrogatories are not properly used to request a party to marshal evidence. Plaintiff's interrogatories (No. 10-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Subject thereto: not applicable.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

RESPONSE:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company is no longer the owner of the premises, and thus is without sufficient information or knowledge of its condition.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, global and general, is not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, global and general, is not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this requests a document and/or literature search that is outside the scope of permissible discovery.

Defendant objects to this request to the extent it seeks documents that are a matter of public record and/or in the public domain, and therefore as equally accessible to Plaintiff as to Defendant.

REQUEST FOR PRODUCTION NO. 69:

Produce all documents, that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Weldon Russell Moake at any time during his employment at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiff's health.

RESPONSE:

No items have been identified, after a diligent search, that are responsive to the request.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, and therefore seeks documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant does not have a personnel file of or on Plaintiff.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period and seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent this request could be construed as seeking production of documentation this Defendant considers proprietary in nature, and therefore would be protected from discovery by virtue of the trade secret privilege. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 77:

Produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, not limited to the relevant time period, not limited to the relevant site, and therefore seeks production of photographs irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: if any photographs are discovered, Defendant will supplement.

REQUEST FOR PRODUCTION NO. 79:

Produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises in the vicinity of asbestos-containing products.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit specifically asbestos containing thermal insulation products, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the personal privacy rights or the patient physician privileges of the non parties that may be involved.

REQUEST FOR PRODUCTION NO. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 83:

Produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts".

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 84:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is clearly excessive, overbroad, vague and improper under Rule 167 in that it seeks production of documentation that is not in the care, custody or control of this Defendant. Further, to the extent the documentation sought is a matter of public record or in the public domain, this Defendant would object as such is equally accessible by Plaintiff as this Defendant.

REQUEST FOR PRODUCTION NO. 86:

Produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overly broad, vague, general and global and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery requests. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*. Further, this Defendant would object to this request to the extent it seeks production of documentation and/or the disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 87:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 88:

Produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is clearly excessive, overbroad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit specifically alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it seeks production of documentation that is considered proprietary in nature, and therefore protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 89:

Produce all documents which contain complaints by employees of the Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 90:

Produce all documents which contain complaints by Union representatives of Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, general and global. This Defendant would specifically object to this request as not limited to the time period relevant in this case, and therefore seeks production of document wholly irrelevant to any material issue in this and not reasonably calculated to lead the discovery of admissible evidence. Still further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 92:

Produce all documents which evidence Defendant's, net worth, including but not limited to all "10-K" forms filed for the last five (5) years.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence, and/or does not exist. Subject thereto: see Defendant's production of Form 10-K reports for the fiscal years ended December 31, 1995 through December 31, 1998 from the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad and vague. Subject thereto: see this Defendant's Preliminary Statement.

REQUEST FOR PRODUCTION NO. 94:

Produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises and liabilities arising from said ownership.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, general and global. Subject thereto: see this Defendant's Preliminary Statement.

REQUEST FOR PRODUCTION NO. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos?

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request for production on the grounds it is excessive, overly broad, vague and not limited to the time period relevant in this case and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: see documents produced in the *Cedillo* case.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE:

Objection: Defendant Union Pacific Resources Company objects to this request on the grounds it is excessive, overbroad, and the documents are equally accessible to Plaintiff as they are to Defendant, and/or seeks production of documents which are a matter of public record and/or in the public domain and therefore as equally accessible to Plaintiff as to Defendant. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that include the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

See the Preliminary Statement of Union Pacific Resources Company, attached at page 4. Defendant Union Pacific Resources Company objects to the request to produce all documentation that supports this position on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, and seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." *Texaco v. Sanderson* and *Loftin v. Martin*.