

DISTRICT COURT, BOULDER COUNTY, COLORADO

89 CV 2000



DISCOVERY TO OWENS CORNING (980501)

IN RE ASBESTOS CASES

Plaintiffs, by and through their counsel, Williams & Trine, P.C., propounds the following requests for discovery (interrogatories and requests for production) to defendant Owens Corning. to be answered under oath in accordance with all provisions of the Colorado Rules of Civil Procedure.

Regarding the requests for production of tangible items Defendant Owens Corning shall produce the requested tangible items at the offices of Williams & Trine, 1435 Arapahoe Ave., Boulder, CO 80302 on or before 10:00 a.m., June 15, 1998.

"Owens Corning," or "you" or "your" when used in these discovery requests, means Owens Corning Corp. and any and all of its predecessors in interest, including but not limited to Owens Corning Fiberglas Corp. and any and all divisions and subsidiaries of Owens Corning or any of its predecessor entities, including international divisions and subsidiaries, and each named defendant, its attorneys, agents, employees, representatives, professional associates, investigators or others who may have obtained information on behalf of any named defendant, their successors or predecessors, and any department, division, office, agency or affiliate, and any parent or subsidiary entity.

"Tangible Item" means any written or otherwise recorded material of whatever nature, whether printed, typed, handwritten or machine readable, including, without limitation, photographs, photostats, microfilm, x-rays, audio or video tape recordings, computer generated material, computer discs, and any other computer data. The term "tangible item" includes both originals and all copies that are not identical with the original or that contain any commentary or notation that does not appear in the original. The term also includes all editions or drafts which are not in all respects identical. It includes tangible items in your custody and control and tangible items to which you have the right of access.

A. Please furnish all requested information or tangible items which are either in your possession or which are accessible to you, even if they are in the possession or within the knowledge of some other person or legal entity. Rules 33(a), 34(a)(1) and 36(a).

B. If, after you have made reasonable inquiry, you are still unable to make a complete response, please respond to the fullest extent possible. Specify the particular part of the request to which you are unable to respond. Rules 34(b) and 36(a). If you object to any request or interrogatory, please give the reasons for your objection and respond to the unobjectionable portion of the request or interrogatory. Rules 33(a), 34(b) and 36(a).

C. If you claim that any document, communication or information is privileged, please provide the following:

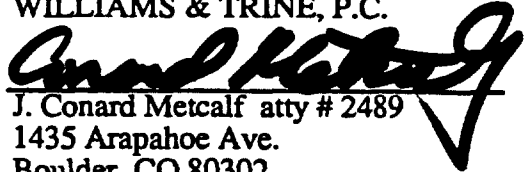
- (1) Give the date of the document, communication, or other information;
- (2) Identify the parties to the document or communication;
- (3) Identify all other persons who participated in, read, overheard, or became privy to the document, communication, or information;
- (4) State the subject matter of the document, communication, or information;
- (5) State the capacity in which each communicant was acting; and
- (6) Give the citation to statute, case law, or other authority in support of your privilege claim.

1. Produce a true, correct and legible copy of the Owens Corning document bearing Bates Stamp Number 01 501 0274, dated May 21, 1953.

2. Produce a true, correct and legible copy of all documents in your possession, custody or control sent by Owens Corning or received by Owens Corning that discuss in any way cigarettes, filters for cigarettes, or diseases caused by tobacco use, dated between 1938 and 1974.

3. Provide the name, address and job title or position of employment of the custodian of the document produced pursuant to the requests for production herein.

WILLIAMS & TRINE, P.C.


J. Conard Metcalf atty # 2489
1435 Arapahoe Ave.
Boulder, CO 80302
(303) 442-0173

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Discovery to Owens-Corning (980501) was placed in the United States mail, postage, pre-paid, on this 11th day of June, 1998 addressed to:

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