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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

JOYCE E. BOGNER, Individually and as
Independent Executor of the Estate of
RICHARD T. BOGNER, Deceased,

Plaintiffs,

v.

AIRCO, INC. et.al.,

Defendants.

Case No.: 01-CV-627-DRH

**DEFENDANT SHELL OIL COMPANY'S ANSWERS AND OBJECTIONS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS DIRECTED TO ALL DEFENDANTS WITH
THE EXCEPTION OF B.F. GOODRICH n/k/a GOODRICH CORPORATION**

COMES NOW defendant, Shell Oil Company, by and through its counsel, and for its answers and objections to Plaintiff's First Set of Interrogatories and First Set of Requests for Production of Documents Directed to All Defendants With the Exception of B. F. Goodrich n/k/a Goodrich Company, exhibits as follows:

INTERROGATORIES

1. Please state whether or not you ever supplied vinyl chloride monomer to the Henry plant. If so, please state when and how much vinyl chloride monomer you supplied to the Henry plant.

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in time, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, defendant Shell has a record of supplying a volume of 2,519,777 pounds of vinyl chloride monomer to the Henry, Illinois plant in 1979. Defendant Shell was unable to locate any records reflecting shipments of vinyl chloride to the Henry plant before 1979 or after 1979.

2. If you supplied vinyl chloride monomer to the Henry plant, please specify the method by which you supplied it to the Henry plant.

ANSWER: Defendant was unable to locate the invoice(s) indicating the method of shipment of the vinyl chloride monomer shipped to the Henry, Illinois plant in 1979.

3. If you supplied vinyl chloride monomer to the Henry plant, please identify all warnings you made concerning possible health hazards from exposure to vinyl chloride monomer shipped to Henry, including the applicable dates of said warnings.

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in time, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as it presumes the existence of a duty to communicate information directly by defendant to the Henry plant or plaintiff's decedent when it is evident from the allegations in the Complaint that decedent was an employee of a sophisticated producer and user of vinyl chloride monomer and products produced therefrom. Subject to and without waiving these objections, see attached MSDS dated June, 1978 which, upon information and belief, would have been the type of warning produced with the shipment(s) of vinyl chloride to the Henry, Illinois plant in 1979.

4. Please state whether or not you ever had any financial relationship with BFG concerning railcars that transported products or material to or from the Henry plant. If so, please explain that relationship, including applicable the dates of said relationship.

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, unlimited in time, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as the terms "financial relationship" are vague and would require this defendant to speculate. Subject to and without waiving these objections, defendant Shell was unable to locate the invoice(s) indicating the method of shipment of the vinyl chloride monomer shipped to the Henry, Illinois plant in 1979.

5. Please identify the documents from your initial disclosure that fit within the definition of Phase I Discovery as described by the court.

ANSWER: This defendant has produced over 6,516 documents to plaintiff's counsel. While some the documents pertain to B.F. Goodrich, it is believed that none of the documents are specific to the Henry, Illinois plant or Mr. Bogner.

6. In the documents referenced in your disclosure in this case, please identify any and all documents within that bates range that have not been produced to the plaintiffs.

ANSWER: None. To this defendant's knowledge, all the documents referenced in Shell's initial disclosure were produced to plaintiff's counsel in the case of *Daniel J. Ross, et al. v. Conoco, Inc., et al.*

7. In the documents referenced in your disclosure in this case, please identify all documents that have been redacted and state the reason for said redaction.

ANSWER: None of the documents produced have been redacted.

8. Please state whether BFG's Henry plant was ever included in any epidemiologic study that you sponsored. If so, please identify the study, the contractor for the study and when and how the study was published.

ANSWER: Not to this defendant's knowledge.

9. Please state whether or not you had any swap or exchange agreements related to the supply of vinyl chloride monomer to the BFG Henry plant at any time between 1965 and 1989, inclusive.

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Shell was unable to locate any such agreements.

10. Please state whether or not you had any swap or exchange agreements concerning, regarding or reflecting any shipment of polyvinyl chloride from the BFG Henry plant at any time between 1965 and 1989, inclusive.

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, while Shell is unclear as to the meaning of this interrogatory, Shell has been unable to locate any such agreements.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please produce any and all documents concerning, regarding or reflecting any vinyl chloride monomer you supplied to the Henry plant from 1965 to 1989, inclusive.

RESPONSE: See attached.

2. Please produce any and all documents concerning, regarding or reflecting the method by which you supplied vinyl chloride monomer to the Henry plant from 1965 to 1989, inclusive.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, see answer to Interrogatory No. 2.

3. Please produce any and all documents concerning, regarding or reflecting any warnings you made concerning possible health hazards from exposure to vinyl chloride monomer you shipped to the Henry plant from 1965 to 1989, inclusive.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it presumes the existence of a duty to communicate information directly by defendant to the Henry plant or plaintiff's decedent when it is evident from the allegations in the Complaint that decedent was an employee of a sophisticated producer and user of vinyl chloride monomer and products produced therefrom. Subject to and without waiving these objections, see attached MSDS dated June, 1978 which, upon information and belief, would have been the type of warning produced with the shipment(s) of vinyl chloride to the Henry, Illinois plant in 1979.

4. Please produce any and all documents concerning, regarding or reflecting any financial relationship you had with BFG concerning railcars that transported products or material to or from the Henry plant from 1965 to 1989, inclusive.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, see answer to Interrogatory No. 4.

5. Please produce any and all documents identified in your initial disclosure that fit within the definition of Phase I Discovery as described by the court.

RESPONSE: See answer to Interrogatory No. 5.

6. Please produce any and all documents identified in your initial disclosure that have not been produced to the plaintiffs.

RESPONSE: All documents referenced in the Initial Disclosure were produced to plaintiff's counsel in the case of *Daniel J. Ross, et al. v. Conoco, Inc., et al.* If plaintiff's counsel is missing any documents identified by this defendant in its Initial Disclosure, such documents will be made available for inspection and/or copying at a mutually convenient time and place, as agreed upon by counsel.

7. Please produce any and all documents identified in your initial disclosure that have been redacted.

RESPONSE: None.

8. Please produce any and all documents concerning, regarding or reflecting any epidemiologic study that included Richard T. Bogner.

RESPONSE: This defendant is unaware of any such study.

9. Please produce any and all documents concerning, regarding or reflecting any swap, exchange or tolling agreement involving vinyl chloride monomer or polyvinyl chloride to or from the Henry plant at any time between 1965 to 1989, inclusive.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, unlimited in time, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving this objection, Shell was unable to locate any such agreements.

Respectfully submitted,

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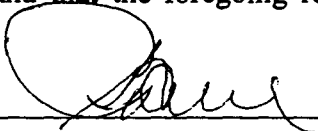
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VERIFICATION

STATE OF TEXAS)
)SS.
COUNTY OF HARRIS)

BEFORE ME, the undersigned authority, on this day personally appeared S. J. Paul, who acknowledged that (s)he occupies the position of Assistant Corporate Secretary with Shell Oil Company and is authorized to execute this verification to plaintiff's interrogatories on behalf of Shell Oil Company and its former division, Shell Chemical Company, ("Shell"); that while (s)he does not have personal knowledge of all the facts recited in the foregoing, the information contained therein has been collected and made available to him/her by others from sources usually searched to secure the necessary information or data; and that the responses made in the attached pleadings are true and correct to the best of his/her knowledge, information and belief based upon the information made available, and that the foregoing responses are verified on behalf of Shell Oil Company.



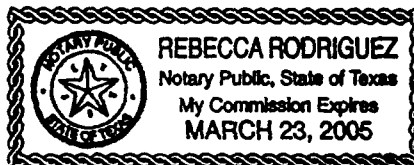
On this 22nd day of April in the year 2002, before me, Rebecca Rodriguez
a Notary Public in and for said State, personally appeared S. J. Paul, known to me to be the
person who executed the within Verification, and acknowledged to me that (s)he executed the
same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the
City and State aforesaid, the day and year first above written.



Notary Public, State of Texas

My Commission Expires:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was mailed, by U.S. Mail, postage prepaid, this 25th day of April, 2002 to the following attorneys of record:

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Chief In
