

NO. 97-4055-B

EPIMENIO CABRERA; AND JESUS	§	IN THE DISTRICT COURT OF
IGNACIO CHAVERA	§	
	§	
VS.	§	NUECES COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLASS	§	
CORPORATION ET. AL.	§	117 TH JUDICIAL DISTRICT

**DEFENDANT KOCH REFINING COMPANY'S RESPONSE
TO PLAINTIFFS' REQUEST FOR DISCLOSURE**

TO: Plaintiffs, Jesus Ignacio Chavera and Epimenio Perez Cabrera, by and through their attorneys of record, Holly J.W. Huart and Stephanie Finch, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant, Koch Refining Company (hereinafter referred to as "Defendant"), serves the following Responses to Plaintiffs' Requests for Disclosure pursuant to Rule 194 of the Texas Rules of Civil Procedure:

(a) The correct name of each party to this lawsuit;

RESPONSE: The correct name of this Defendant is Koch Refining Company. Defendant does not have knowledge regarding the correct names of the Plaintiffs or other Defendants in this lawsuit.

(b) The name, address and telephone number of each potential party;

RESPONSE: At this time, Defendant is unaware of any potential parties to this suit.

(c) The legal theories and factual bases of your claims and defenses;

RESPONSE: This defendant has been sued by Plaintiffs alleging that disease and injuries resulted from exposure to asbestos at this defendant's facility. As allowed by law, this defendant has denied each aspect of Plaintiffs' claims and put Plaintiffs to their proof. In general terms, this defendant asserts that its conduct did not cause any injury to Plaintiffs; that it did not know (and has denied that) at any time that Plaintiffs may have been working at its premises, Plaintiffs were being exposed to harmful quantities of asbestos. Further, to the extent there may have been asbestos on this defendant's premises, warnings were given or, alternatively, Plaintiffs' employer was aware of its presence. This defendant also asserts that Plaintiff does not have an asbestos

related condition or disability; that each is barred from recovering by laches or the applicable statute of limitation; that, if any plaintiff was exposed to harmful quantities of asbestos at this defendant's premises, which is denied, it was the sole result of that plaintiff's own lack of care in failing to take proper precautions, or it was the result of his employer's lack of care in properly training and warning Plaintiff, and providing that plaintiff with appropriate protective equipment. This defendant adopts by reference the further responses made in its latest amended answer.

- (e) The name, address and telephone number of each individual having knowledge of facts relevant to this lawsuit and a brief statement as to how each such individual is connected to this case;

RESPONSE:

Willis Jernigan
Koch Refining Company
2825 Suntide Road
Corpus Christi, Texas 78409
(361) 241 4811
Safety Manager, Koch Refinery, Corpus Christi, Texas

Walter Tyler
1401 South Hanley
St. Louis, Mo. 63144
(314) 768-4100
Former Safety Manager, Koch Refinery, Corpus Christi, Texas

John Kampfhenkel
1308 Circle Lane
Bedford, Texas 76022
817-685-8476
Former Environmental Manager, Koch Refinery, Corpus Christi, Texas

- (f) The following information regarding testifying experts:
1. name, address and telephone number;
 2. the subject matter of the expert's testimony;
 3. the general substance of the expert's mental impressions and opinions, a brief summary of the basis for such opinions or if the expert is not retained by you or otherwise subject to your control, all documents reflecting the experts' impressions, opinions and the basis therefor.

4. For each expert employed or otherwise controlled by you, produce:

- (A) all documents, tangible things, reports, models, or data compilations provided to, reviewed by, or prepared by or for each expert in anticipation of such expert's testimony; and
- (B) each expert's resume and bibliography.

RESPONSE: Testifying experts have not yet been selected in this case.

(g) Any discoverable indemnity and insuring agreements;

RESPONSE: None.

(i) A copy of any witness statements;

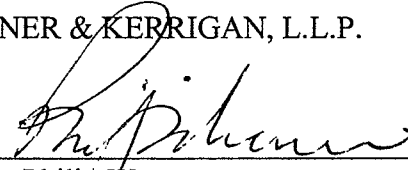
RESPONSE: None in Defendant's possession.

(k) all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE: None in Defendant's possession.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

By: 

Philip Werner

State Bar No. 21190200

1300 Post Oak Boulevard, Suite 2225

Houston, Texas 77056

Telephone: 713-626-2233

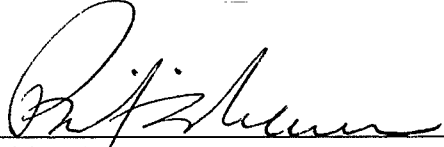
Facsimile: 713-626-9708

ATTORNEYS FOR DEFENDANTS,
KOCH REFINING COMPANY and
SUNOCO, INC. (R&M)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded by certified mail, return receipt requested, to Plaintiff's counsel listed below on this 24th day of August, 2000:

Holly J. W. Huart
Stephanie Finch
Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219


Philip Werner