

NO. 00-004978-F

ALBERT JOSEPH BOBB,
ET AL.

VS.

GAF CORPORATION,
ET AL.§ IN THE DISTRICT COURT
§
§
§ DALLAS COUNTY, TEXAS
§
§
§ 116TH JUDICIAL DISTRICT

**DEFENDANT THE DOW CHEMICAL COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES, FIRST REQUESTS FOR PRODUCTION AND
FIRST REQUEST FOR ADMISSIONS**

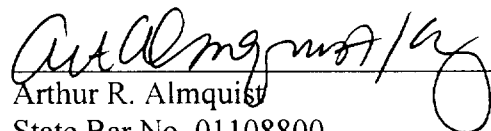
TO: Plaintiffs, by and through their attorneys of record, Holly J. Huart and Stephanie Finch,
Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW Defendant, The Dow Chemical Company, and hereby serves its Objections
and Responses to Plaintiff's Interrogatories, Request for Production and Admissions pursuant to the
Texas Rules of Civil Procedure.

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By:



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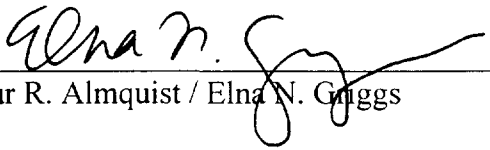
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**ATTORNEYS FOR DEFENDANT,
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant The Dow Chemical Company's Objections and Responses to Plaintiff's Interrogatories, Request for Production and Request for Admissions has been served upon all known counsel of record by certified mail, return receipt requested, regular mail, and/or facsimile on this 25th day of June, 2001



Arthur R. Almquist / Elna N. Gigg

PRELIMINARY STATEMENT

The Dow Chemical Company was formed in the early 1900's and began construction of its first facilities in Texas in the late 1930's with the first unit starting up in 1940. In the following years, there have been over 100 production units constructed (many of which have subsequently been demolished). Each of these production units is basically a separate chemical plant producing its own product within the geographic boundaries of Dow Chemical's operations in the Freeport, Texas area. These production units cover over 5000 acres in areas that are broadly described as Plant A, Plant B and Oyster Creek. At times, there have been as many as 7500 employees and 3500 contractor employees working on the Texas facilities and there are currently around 5000 employees and 1000 contractor employees working on the premises. In answering this discovery, diligent effort has been made to obtain the information to answer the questions asked but it is impossible to gather every bit of information concerning an operation of this magnitude for a period of time of over 50 years. If further information is located, these answers will be supplemented and/or amended as required by the Texas Rules of Civil Procedure.

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendants make the following general objections to each and every interrogatory and request for production directed to it:

1. Defendant objects to the interrogatories and requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in Rule 166b of the Rules and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.
2. Dow further objects to any discovery request seeking to charge it with knowledge

or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one in which Plaintiffs were employed. Dow operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Dow to answer these interrogatories as to all plants.

3. Defendant objects to Plaintiffs' discovery requests because they are unlimited in time. Decedent previously testified that he worked at The Dow Chemical Company for a total of one month between the years of 1987-1989. Therefore, any inquiries outside of this time period would be overly-broad.

4. Defendants object to Plaintiffs' requests to the extent that they necessarily seek disclosure of trade secrets, proprietary material and other confidential information protected from discovery by the Texas Rules of Civil Procedure.

5. Dow objects to Plaintiffs' Instruction No. 1. Defendants may produce non-privileged responsive documents in the manner in which they are kept in the ordinary course of business.

6. Defendants object to the requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in Rule 166b of the Rules and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

7. Defendants object to paragraph one of the DEFINITIONS regarding "Defendant," "You," "Your," and "Your Company" and paragraph three regarding "persons" because they are overly broad and unduly burdensome and pertain to corporations other than those who are parties to this suit. Defendant also objects to paragraphs one and three because they include

Defendants' attorneys; information and things protected by the attorney client privilege and work product doctrine is not discoverable.

8. Defendants object to paragraph two of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, seeks information specifically exempted from discovery by the privileges afforded in Rule 166b(3) of the Rules and Rule 503 of the Texas Rules of Civil Evidence, including the attorney work product doctrine, and the attorney client privilege because it exceeds the scope of Rules 166b of the Rules. Throughout these responses, Dow will assume that the word will have its commonly used meaning, as set forth in Rule 166b(2)(b), and will respond accordingly.

9. Defendants object to the definitions of "identify" contained in paragraphs 16 and 17 of the DEFINITIONS because they is overly broad, unduly burdensome and harassing.

10. Defendants object to DEFINITION 12 to the extent that information is sought concerning asbestos in a non-friable form.

11. Dow further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one, if any, in which Plaintiffs were employed. Dow operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Dow to answer these interrogatories as to all plants.

12. Defendants object to Plaintiffs' discovery requests because they are unlimited in time.

13. Defendants object to Plaintiffs' requests to the extent that they necessarily seek disclosure of trade secrets, proprietary material and other confidential information protected from discovery by the Texas Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

Dow objects to providing identification of those sources on the grounds that this information is protected by the attorney work product doctrine and attorney-client privilege. Subject to the foregoing objection, Defendant's answers were prepared by counsel based upon the information provided by numerous individuals over an extended period of time. To the extent these interrogatories call for information concerning persons with knowledge of relevant facts, they will be identified in answers to these interrogatories.

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

1. asbestosis
2. lung cancer
3. mesothelioma

ANSWER:

Defendant objects to this interrogatory to the extent it calls for a medical opinion and that this interrogatory is vague in that it does not identify the type of injury caused by an inhalation of asbestos, the type of asbestos fibers allegedly causing such an injury, the amount of exposure or the period of exposure required to cause such an injury. Defendant further objects to the extent Defendant corporation is made up of numerous employees, officers, directors, etc. to the point where it is unrealistic to be able to tell when Defendant first learned of any correlation between the inhalation of asbestos fibers and physical injury.

Subject to the foregoing objections, Dow cannot pinpoint a precise date on which it, as a corporate entity, knew that there was an association between asbestos exposure and disease because it is currently not possible to understand what knowledge individual employees possessed many years ago and knowledge of asbestos related disease developed gradually over time. The testimony of Harold Hoyle sets forth his understanding as the Director of Industrial Hygiene for The Dow Chemical Company. Mr. Hoyle indicated that when he started work as the industrial hygienist in 1948, he was aware that exposure to asbestos fibers, if of sufficient

duration and intensity, could cause asbestosis. Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960s, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

Defendant objects to this request vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. See *Texaco v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, records on the associations to which Dow is a member have only been kept since 1986; the list is not retroactive, but is only current.

- a) American Petroleum Institute - Yes
- b) American Congress of Governmental and Industrial Hygienist - No
- c) Gulf Coast Section of American Industrial Hygiene Association - No
- d) National Safety Counsel - Yes
- e) American Industrial Hygiene Association - Yes
- f) Industrial Medicine Association - No
- g) Industrial Hygiene Foundation (of America) - Yes
- h) American Medical Association - No
- i) Chemical Manufacturers Association - Unknown
- j) Texas Chemical Counsel - Unknown

k) National Petroleum Refineries Association - Unknown

INTERROGATORY NO. 4

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, the Dow facility in Brazoria County was constructed in the late 1930's and began operations in 1941. During the years, the plant has expanded to encompass structures, pipeways, tanks, etc. which now cover almost 5,000 acres

on three main sites which are not connected. Every facility, pipeway, tank, etc. constructed prior to the late 1960's could have contained asbestos in some form because asbestos was an acceptable material for thermal insulation as well as for structural uses in floor tiles, siding, etc. Defendant stopped using asbestos containing insulation products, except for limited applications where no substitute was available, beginning in 1969 through 1970. Plaintiff indicated that he worked on Dow's premises for a total of less than one month between 1987-1989. Dow did not acquire any asbestos-containing insulation products during this time period. The only products which may have been used during this time that may have contained asbestos are gaskets.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

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INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited

to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, the following people may have relevant facts:

FACT WITNESSES

- (1) All plaintiffs named in this lawsuit.
- (2) All medical providers for the plaintiffs, including nurses, physicians, hospitals and custodians of medical records.
- (3) Any person or entity designated by any other party or any person deposed in this lawsuit.
- (4) Gary Truver
622 Commerce Street
Clute, Texas 77531
(409) 655-7451

Mr. Truver is employed by U. S. Contractors, and will testify concerning the relationship of U. S. Contractors and The Dow Chemical Company and U. S. Contractors' responsibility to its employees.

- (5) Ken McGowen
Post Office Drawer 66
Freeport, Texas 77541
(409) 239-2022

Mr. McGowen is employed by the successor to Winway Corporation and will testify concerning the relationship of Winway to The Dow Chemical Company and Winway's responsibility to its employees.

- (6) Bruce Horvath
1708 Avery Street
Parkersburg, West Virginia
(304) 428-7325

Mr. Horvath is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (7) Robert Soule
360 Debbie Drive
Indiana, Pennsylvania
(412) 349-7702**

Mr. Soule is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (8) Roger L. Daniel
H.C.R. 5, Box 574-674
Kerrville, TX 78028
(830) 896-4513**

Mr. Daniel is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (9) Harold Hoyle
1360 Coronado Terrace
Daytona, Florida 32725**

Mr. Hoyle is a former industrial hygienist with The Dow Chemical Company in Midland, Michigan and will testify concerning the corporate knowledge of The Dow Chemical Company with regard to asbestos.

- (10) F. B. Crouch
2141 Riverside
West Columbia, Texas
(unlisted number, can be reached through counsel for defendant)**

Mr. Crouch will testify concerning the uses of asbestos on the premises of The Dow Chemical Company in Freeport, Texas.

- (11) M. Gerald Ott, Ph.D.
Director of Epidemiology
BASF Corporation
Parsippany, NJ**

Dr. Ott is a former Dow biostatistician and epidemiologist who undertook some early reviews of insulators employed by Dow at the Freeport facility comparing their health to a control group of employees. This work was done in the late

1960s and early 1970s.

- (12) **Tim Scott**
The Dow Chemical Company
2301 Brazosport Blvd.
APB Bldg.
Freeport, TX 77541
(409) 238-7815

Mr. Scott is the Head of Security and custodian of fingerprint data at Dow.

- (13) **Cheryl Sandlin**
The Dow Chemical Company
2301 Brazosport Blvd.
APB Bldg.
Freeport, TX 77541
(409) 238-7815

Ms. Sandlin can testify with respect to the asbestos abatement program at Dow, both historically and in general, up to the year 2000.

Plaintiffs' claims are vague and ambiguous at this point, and Defendant does not have enough information to determine all of the persons having knowledge of facts relevant to this case. Defendant reserves the right to supplement this response as discovery proceeds.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiffs employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of Job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

The Dow facility covers thousands of acres, and includes hundreds of units, and there literally would have been hundreds of contractors and thousands of employees who were on the premises. Defendant further objects to this on the grounds of relevance, because the information on thousands of employees who have no possible connection with this lawsuit could have no possible relevance to this case.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to these objections, there has been a medical department in Freeport since 1943. See Exhibit "A" attached.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among then)
- b. when they were given, if ever, and
- c. in what manner they were given (e.g written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 11:

If Defendant has or had or maintained 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, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly

burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, the Dow facility in Brazoria County was constructed in the late 1930's and began operations in 1941. During the years, the plant has expanded to encompass structures, pipeways, tanks, etc. which now cover almost 5,000 acres on three main sites which are not connected. Every facility, pipeway, tank, etc. constructed prior to the late 1960's could have contained asbestos in some form because asbestos was an acceptable material for thermal insulation as well as for structural uses in floor tiles, siding, etc. Defendant stopped using asbestos containing insulation products, except for limited applications where no substitute was available, beginning in 1969 through 1970.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises liked as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, the Dow facility in Brazoria County was constructed in the late 1930's and began operations in 1941. During the years, the plant has expanded to encompass structures, pipeways, tanks, etc. which now cover almost 5,000 acres on three main sites which are not connected. Every facility, pipeway, tank, etc. constructed prior to the late 1960's could have contained asbestos in some form because asbestos was an acceptable material for thermal insulation as well as for structural uses in floor tiles, siding, etc. Defendant stopped using asbestos containing insulation products, except for limited applications where no substitute was available, beginning in 1969 through 1970.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos: dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, Harold Hoyle, the former Head of Industrial

Hygiene for the company, testified that dust level counts had been taken by him in the late 1950s on some occasions, and certainly, there are other records of dust counts available beginning in the 1960s and going forward in time. The results of all of these dust counts are quite voluminous, but those records are contained in the document depository in Midland, Michigan.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during
- d. the Time Period At Issue, and if so, when and what was discussed, and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiffs allegedly worked at the plant, the locations in the plant where plaintiffs allegedly worked or the events in the plant which allegedly caused plaintiffs' injuries.

Subject to the foregoing objections, Dow has required its employees and contractors to use proper protection against heavy vapors and respirable dust since the 1940s. Dow cannot name each type of respiratory equipment which was available for the last fifty years, but some of the types of respiratory equipment used at Dow are:

- 1) MSA Fasfoe mouthbit respirator**
- 2) Acme Duo Seal**
- 3) Welsh with dust pad**
- 4) Dustfoe 77**
- 5) Nose & mouth OVAG**
- 6) Dust respirators**

Dow cannot give an answer to when each of these were used by specific years because there is little documentation available. It has always been part of the contractual obligation of contractor employers to require the contractor employees to follow all safety rules, guidelines and provisions required by Dow. It was, and is, the contractor employer's responsibility to provide the appropriate safety equipment needed for the area in which their employees were working which was, and is, part of the compliance with Dow's safety policy. It has been a Dow policy for many years to inform each and every person who will be in any block area of all known hazards and the appropriate protective equipment that is required for that area. Dow had implemented safe handling procedures for asbestos, and it published a Handbook for Handling Asbestos Materials which was specific regarding the type of respiratory equipment that was required when handling asbestos.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, Dow was aware of the threshold limit values or maximum allowable concentrations that were in effect shortly after the American Conference of the Government Industrial Hygienist would adopt those standards. Generally, the individual who would be responsible for receiving such information was Harold Hoyle, the Corporate Head of Industrial Hygiene.

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

ANSWER:

Defendant objects to this interrogatory because it is overly broad, unduly burdensome, harassing and the information sought by plaintiff could contain confidential medical information concerning employees of Dow or information protected by the physician patient privilege. Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiffs allegedly worked at the plant, the locations in the plant where plaintiffs allegedly worked or the events in the plant which allegedly caused plaintiffs' injuries. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states that the first worker's compensation suit based upon the inhalation of asbestos by an employee of the Dow plant in Freeport, Texas was in 1974.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

The Dow Chemical Company's principal place of business is in Brazoria County for venue purposes. Dow also does business in Harris County, as it has a manufacturing facility in LaPorte and offices in Houston.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, any maintenance or scheduled demolition from the late 1960's was used as an opportunity to remove the existing asbestos in that specific area safely. Through the years, if the asbestos began to deteriorate, it was removed and replaced and will continue to be replaced. Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

The Dow facility covers thousands of acres, and includes hundreds of units, and there literally would have been hundreds of contractors and thousands of employees who were on the premises. Defendant further objects to this on the grounds of relevance, because the information on thousands of employees who have no possible connection with this lawsuit could have no possible relevance to this case.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiffs employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Any of this information still existing is contained in literally millions of pages of documents that contain proprietary information concerning the design and construction of the facility in question and its many chemical units. Information on areas of the plant where Mr. Stafford did not work would have no possible bearing on this case, and is not likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiffs employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiffs employer.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category

of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Moreover, since there were literally hundreds and perhaps thousands of contractors in place, this would include a tremendous number of documents. It is not calculated to lead to the discovery of admissible evidence, and therefore is immaterial and irrelevant to any matter in this case since it would include thousands of contracts that have no relationship whatsoever to Plaintiff's claims.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco*

***Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.**

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 10:

Please 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

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 11:

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, please 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:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 12:

Please 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:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

Defendant also objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil

Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Further, defendant objects to providing information that would violate any individual's privacy rights or that is protected from disclosure by the attorney client privilege, work product privilege, or any medical privilege.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly

burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extent that it might require the production of attorney work product and attorney-client privileged documents.

REQUEST FOR PRODUCTION NO. 17:

Please 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:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production of attorney work product and attorney-client privileged documents.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts 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) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production of attorney work product and attorney-client privileged documents.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has

placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives..

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil

Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. 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 any records relating to Plaintiff's health.

RESPONSE:

Defendant is in the process of gathering plaintiff's medical records. These records, if

any are obtained, will be made available upon request.

REQUEST FOR PRODUCTION NO. 25:

Please produce any documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

See Plaintiff's Fingerprint Data, attached at Exhibit "B".

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of buildings and the location and placement of asbestos containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it improperly calls for documents which are attorney work product. Moreover, Defendant also objects to this request since it requires that privileged information, namely trial strategy, be shared.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOP, PRODUCTION NO. 32:

Please 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:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it improperly calls for documents which are attorney work product. Moreover, Defendant also objects to this request since it requires that privileged information, namely trial strategy, be shared.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly

burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably

calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Defendant objects to this request as overly broad and unduly burdensome because it is not limited to the time periods that plaintiff allegedly worked at the plant.

Subject to that objection, the 10K can be found at:

<http://www.sec.gov/Archives/edgar/data/29915/0000912057-00-012919-index.html>

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, 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 included 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:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included 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:

Not Applicable.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation

agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, Defendant states that it has never manufactured, assembled, or sold any asbestos-containing products, with one minor exception. Dow manufactured Styrofoam panels under the trade name of Deraspan™. This occurred during the late 1960s. As an option to the Deraspan™ panels, there were several types of facings that could be placed on those panels. The facings included aluminum, wood and others. One of the optional facings was a one-eighth inch cement board that contained asbestos. This was not a board that was manufactured by Dow, but was one that was acquired from another company by Dow. To the best of the records Dow has been able to locate, there were no more than six sales of these insulated panels, which

are used in freezer applications containing the option of the cement asbestos board.

Also subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Any of this information still existing is contained in literally millions of pages of documents that contain proprietary information concerning the design and construction of the facility in question and its many chemical units. Information on areas of the plant where Mr. Stafford did not work would have no possible bearing on this case, and is not likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 49:

Please produce any documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also

objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in anyway to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, this question is not applicable since Defendant has previously stated that it has never manufactured, assembled, or sold any asbestos-containing products, with one minor exception as indicated in response to Request for Production No. 47.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at

the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, this question is not applicable since Defendant has previously stated that it has never manufactured, assembled, or sold any asbestos-containing products, with one minor exception as indicated in response to Request for Production No. 47.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See*

***Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.**

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer you during the Time Period At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also

objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production of attorney work product and attorney-client privileged documents relating to any documents that relate to usages of asbestos.

REQUEST FOR PRODUCTION NO.59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly

burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production of attorney work product and attorney-client privileged documents relating to any documents that relate to usages of asbestos.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any off defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production of attorney work product and attorney-client privileged documents relating to any documents that relate to usages of asbestos.

**REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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 At Issue during the Time Period At Issue.

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W._{2d} 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it

has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR PRODUCTION NO. 62:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue:

RESPONSE:

Deny

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. See *Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 5:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 6:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 8:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbesto, Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 10:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s,

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue

during the Time Period At Issue.

RESPONSE:

Deny as drafted. It is unclear what is meant . Contractors were responsible for providing safety equipment to their employees.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny as drafted. It is unclear what is meant . Contractors were responsible for providing safety equipment to their employees.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not conduct with contractors health and safety meetings relating to the asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

Admit that some such products were in place at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR ADMISSION NO. 23:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admit

REQUEST FOR ADMISSION NO. 27:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 28:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 29:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 30:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 31:

Admit that you did not provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 32:

Admit that you did not provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 33:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiffs employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiffs employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiffs employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Deny

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiffs employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired Plaintiffs employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 39:

Admit that you communicated with Plaintiffs employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 40:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 42:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 43:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 65:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. See *Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer what materials were to be

used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. See *Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked. Defendant also objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 45:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiffs employer or supervisor when to stop work.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiffs employer what materials to use when doing the work

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiffs employer in what order the work should be done.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 50:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to require that the work performed by the employees of Plaintiffs employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to stop the work performed by the employees of Plaintiffs employer on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 53:

Admit that you observed the work performed by the employees of Plaintiffs employer on Defendant Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the

premises.

REQUEST FOR ADMISSION NO. 54:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 55:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR ADMISSION NO. 56:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of

independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

Exhibit “A”

Physicians

NAME	YEARS IN POSITION
R. C. Miller	1942-1977
R. E. Gray	1946-1958
J. A. Stewart	1947-1957
J. R. Venable	1948-1980
D. J. Kilian	1950-1979
E. Heimbigner	1952-1979
Fred Turner, Sr.	1953-1955
Raymond Flake	1955-1984
Peter Gay	1967-1982
D. G. Paff	1968-1970
G. E. Moffitt	1970-1971
William Fishbeck	1980-1985
Ansel McDowell	1976-1992
James H. Saunders	1985-1991
Carole Browdy	1978-1997
William Cushman	1985-1988

Industrial Hygienists.**Texas**

NAME	ADDRESS	YEARS IN POSITION	TITLE
Ralph R. Langer	Deceased	1956-1960	Industrial Hygienist

Larry G. Silverstein	790 A. Indian Trails Carmel, IN 46032	1961-1962	Industrial Hygienist
Donald L. Hide	1310 Haley Street Midland, MI (517) 632-2988	1961-1966	Industrial Hygienist
Dowis Atkins	Counsel for Dow	1965-1967	Industrial Hygienist
Jack H. Fontaine	Counsel for Dow	1967-1968	Industrial Hygienist
Jack A. Barton	1127 ½ W. Broad Freeport, TX (409) 663-5835	1967-1968	Industrial Hygienist
Robert D. Soule	360 Debbie Dr. Indiana, PA 15701 (412) 349-7702	1969-1970	Industrial Hygienist
Bruce S. Horvath	1708 Avery Street Parkersburg, WV 26101	1970-1975	Industrial Hygienist
Robert Silverthorne	731 Hollyhock Street Clute, TX 77531	1972-1977	Industrial Hygienist
Roger L. Daniel	Counsel for Dow	1973-1986	Industrial Hygienist

Corporate

NAME	ADDRESS	YEARS IN POSITION	TITLE
D. Irish	Deceased	1934-1935	Industrial Hygienist
E. M. Adams	Deceased	1946-1963	Industrial Hygienist
V. K. Rowe	Counsel for Dow	1964-1972	Industrial Hygienist
H. R. Hoyle	Counsel for Dow	1973-1975	Industrial Hygienist
R. R. Langner	Deceased	1975-1978	Industrial Hygienist
L. W. Rampy	Counsel for Dow	1978-1985	Industrial Hygienist

Medical Directors

NAME	ADDRESS	YEARS IN POSITION	TITLE
H. H. Gay, M.D.	Deceased	1938-1965	Corporate Medical Director
H. L. Gordon, M.D.	Counsel for Dow	1965-1976	Corporate Medical Director
H. C. Scharnweber, M.D.	Counsel for Dow	1976-1982	Corporate Medical Director
B. B. Holder, M.D.	Counsel for Dow	1982-1985	Corporate Medical Director
W. A. Fishbeck, M.D.	Counsel for Dow	1985-1986	Corporate Medical Director

NAME	ADDRESS	YEARS IN POSITION	TITLE
B. B. Holder, M.D.	Counsel for Dow	1977-1980	U. S. Area Medical Director
J. R. Venable, M.D.	Counsel for Dow	1980-1986	U. S. Area Medical Director

NAME	ADDRESS	YEARS IN POSITION	TITLE
R. C. Miller, M.D.	Deceased	1942-1977	Texas Facilities Physician
R. E. Gray, M.D.	Counsel for Dow	1946-1958	Texas Facilities Physician
J. A. Stewart, M.D.	Counsel for Dow	1947-1957	Texas Facilities Physician
J. R. Venable, M.D.	Counsel for Dow	1948-1980	Texas Facilities Physician
D. J. Kilian, M.D.	Deceased	1950-1979	Texas Facilities Physician

E. Heimbigner, M.D.	Deceased	1952-1979	Texas Facilities Physician
Fred Turner, Sr., M.D.	Counsel for Dow	1953-1955	Texas Facilities Physician
Raymond Flake, M.D.	Counsel for Dow	1955-1984	Texas Facilities Physician
Peter Gay, M.D.	Counsel for Dow	1967-1982	Texas Facilities Physician
D. G. Paff, M.D.	Counsel for Dow	1968-1970	Texas Facilities Physician
G. E. Moffitt, M.D.	Counsel for Dow	1970-1971	Texas Facilities Physician
William Fishbeck, M.D.	Counsel for Dow	1980-1985	Texas Facilities Physician
Ansel McDowell, M.D.	Counsel for Dow	1976-1992	Texas Facilities Physician
James H. Saunders, M.D.	Counsel for Dow	1985-1991	Texas Facilities Physician
Carole Browdy, M.D.	Counsel for Dow	1978-Current	Texas Facilities Physician
William Cushman, M.D.	Counsel for Dow	1985-1988	Texas Facilities Physician

Exhibit “B”

APPLICANT

LEAVE THIS SPACE BLANK

NAME.....

Stafford
(SURNAME)Gray
(FIRST)

(MIDDLE)

CLASSIFICATION.....

1987

(PLEASE TYPE OR PRINT PLAINLY)

No.

RACE

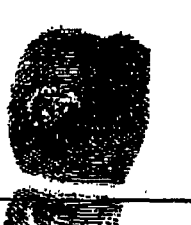
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SEX

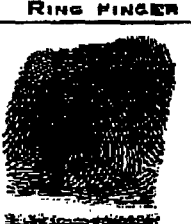
Male

REFERENCE

RIGHT HAND

1. THUMB	2. INDEX FINGER	3. MIDDLE FINGER	4. RING FINGER	5. LITTLE FINGER
				

LEFT HAND

6. THUMB	7. INDEX FINGER	8. MIDDLE FINGER	9. RING FINGER	10. LITTLE FINGER
				

IMPRESSION TAKEN BY:

(SIGNATURE OF OFFICIAL TAKING PRINTS)

DATE IMPRESSIONS TAKEN

3-23-87

NOTE AMPUTATIONS

Gray Stafford
(APPLICANT'S SIGNATURE)

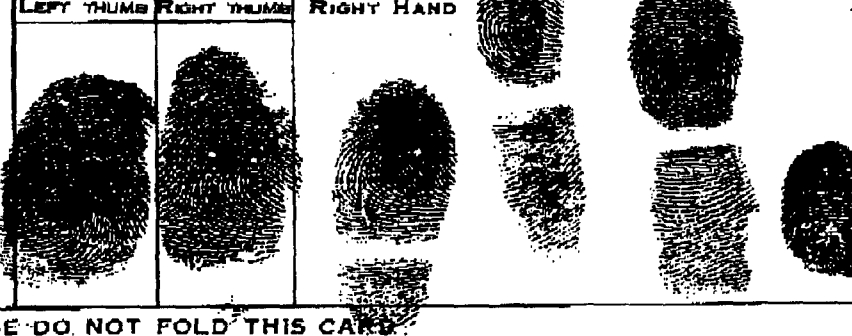
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FOUR FINGERS TAKEN SIMULTANEOUSLY

LEFT HAND

LEFT THUMB RIGHT THUMB

RIGHT HAND

	
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PLEASE DO NOT FOLD THIS CARD

CONTRACTOR IDENTIFICATION RECORD

INDUSTRIAL SECURITY DEPARTMENT

DOW CHEMICAL U.S.A.
TEXAS OPERATIONS
FREEPORT, TEXAS

PERMANENT ADDRESS 7117 Eastwood Houston, Tex 77021
BIRTHPLACE Opalona, Louisiana CITIZENSHIP US
AGE 33 DATE OF BIRTH 2-26-35 S.S. No. 345-48-5841
HEIGHT 6-1 WEIGHT 250 HAIR Blk
EYES Brown COMPLEXION Dark BUILD tall
SCARS AND MARKS none

DRIVERS LICENSE No. 03987482 STATE: Texas TYPE: Class C EXP. DATE: 1990

HAVE YOU EVER BEEN CONVICTED FOR LAW VIOLATIONS OTHER THAN MINOR TRAFFIC? None IF NONE SO INDICATE.

I ALSO AGREE THAT IF IT IS FOUND THAT I HAVE FALSIFIED OR OMITTED INFORMATION FROM THIS QUESTIONNAIRE, SUCH FALSIFICATION OR OMISSION SHALL BE CONSTRUED TO BE FRAUD AGAINST DOW CHEMICAL U.S.A. AND SHALL BE SUFFICIENT GROUNDS FOR REMOVAL FROM DOW PROPERTY.

Gray, Stafford
SIGNATURE

DATE	CITY AND STATE	CHARGE	FINAL DISPOSITION

ALBERT JOSEPH BOBB,
ET AL.

VS.

GAF CORPORATION,
ET AL.

§ IN THE DISTRICT COURT
§
§
§ DALLAS COUNTY, TEXAS
§
§
§ 116TH JUDICIAL DISTRICT

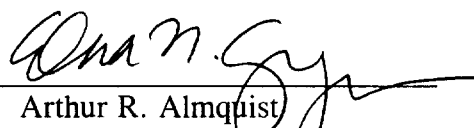
**DEFENDANT THE DOW CHEMICAL COMPANY'S OBJECTIONS
AND RESPONSES TO PLAINTIFFS'S REQUEST FOR DISCLOSURE**

TO: Plaintiffs, by and through their attorneys of record, D. Leanne Jackson, Baron & Budd,
P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant The Dow Chemical
Company files the following responses to plaintiffs' request for disclosures.

Respectfully submitted,

MEHAFFY & WEBER

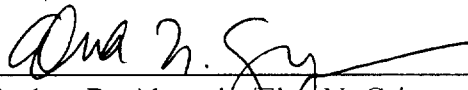
By: 

Arthur R. Almquist
State Bar No. 01108800
Elna N. Griggs
State Bar No. 24013232
500 Dallas, Suite 1200
Houston, Texas 77002
Telephone - (713) 655-1200
Telecopier - (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing document was furnished to all counsel of record on this the 25th day of June, 2001, pursuant to the Texas Rules of Civil Procedure.



Arthur R. Almquist/Elna N. Griggs

DISCLOSURES

A. The correct names of the parties to the lawsuit.

ANSWER:

Defendant states that its correct name is The Dow Chemical Company. Defendant lacks sufficient information to determine the correct names of the other parties to the lawsuit.

B. The name, address, and telephone number of any potential parties.

ANSWER:

Defendant does not have sufficient information about plaintiffs' claims to identify any potential parties to this case at this time. However, since plaintiffs are claiming asbestos related injury any manufacturer of products to which they were exposed or any premises where they were exposed may be a potential party.

C. The legal theories and, in general, the factual bases of your client's claims or defenses.

ANSWER:

Plaintiffs' claims are vague and ambiguous at this point, and Defendant does not have enough factual information regarding Plaintiffs' claims to allow Defendant an opportunity to determine all the factual bases of its defenses. Defendant states that it generally has neither manufactured nor sold asbestos or asbestos-containing products or machinery requiring or calling for the use of asbestos or asbestos-containing products. Defendant states that it did exercise reasonable care to protect Plaintiffs from the foreseeable dangers associated with exposure to asbestos.

Defendant contends it was not negligent.

Defendant states that it has not knowingly agreed, contrived, combined, confederated or conspired with any other defendants to cause Plaintiffs' injuries.

Defendant states that it has not aided, abetted, encouraged, induced or directed the negligent or intentional acts of any other defendants.

Defendant contends it did not engage in a pattern or practice of intentional wrongful conduct or malice resulting in injury to Plaintiffs.

Defendant contends that it did not engage in oppression, fraud, wilfulness, wantonness or malice with regard to Plaintiffs.

Defendant contends it did not cause plaintiffs' damages, if any.

Defendant does not have sufficient information to determine whether or not plaintiffs have contracted an asbestos-related disease.

Defendant does not have sufficient information to determine whether or not plaintiffs were ever on Defendant's premises and, if so, if plaintiffs were exposed to asbestos or asbestos-containing products while on Defendant's premises.

In the unlikely event Defendant is found liable to plaintiffs, which liability is expressly denied, Defendant contends that it is entitled to a credit or offset for any and all sums plaintiffs have received or will receive from payments or settlements arising from plaintiffs' claims.

Defendant states that in the unlikely event it is held legally responsible to plaintiffs, such responsibility being expressly denied, Defendant invokes the provisions of Chapter 33 of the Texas civil Practice & Remedies Code. The provisions of this Chapter entitles Defendant to a reduction for the negligence, liability, responsibility or other conduct which is attributable to any other party or settling person or third party. Plaintiffs may also be barred from recovery under the provisions of Chapter 33.

D. The amount and any method of calculating economic damages.

ANSWER:

Defendant is not making a claim for economic damages in the present suit.

E. The names, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

ANSWER:

FACT WITNESSES

- (1) All plaintiffs named in this lawsuit.
- (2) All medical providers for the plaintiffs, including nurses, physicians, hospitals and custodians of medical records.
- (3) Any person or entity designated by any other party or any person deposed in this lawsuit.
- (4) Gary Truver
622 Commerce Street
Clute, Texas 77531
(409) 655-7451

Mr. Truver is employed by U. S. Contractors, and will testify concerning the

relationship of U. S. Contractors and The Dow Chemical Company and U. S. Contractors' responsibility to its employees.

- (5) Ken McGowen
Post Office Drawer 66
Freeport, Texas 77541
(409) 239-2022**

Mr. McGowen is employed by the successor to Winway Corporation and will testify concerning the relationship of Winway to The Dow Chemical Company and Winway's responsibility to its employees.

- (6) Bruce Horvath
1708 Avery Street
Parkersburg, West Virginia
(304) 428-7325**

Mr. Horvath is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (7) Robert Soule
360 Debbie Drive
Indiana, Pennsylvania
(412) 349-7702**

Mr. Soule is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (8) Roger L. Daniel
H.C.R. 5, Box 574-674
Kerrville, TX 78028
(830) 896-4513**

Mr. Daniel is a former industrial hygienist employed by The Dow Chemical Company at its Freeport facility and will testify concerning industrial hygiene issues including those touching on asbestos.

- (9) Harold Hoyle
1360 Coronado Terrace
Daytona, Florida 32725**

Mr. Hoyle is a former industrial hygienist with The Dow Chemical Company in Midland, Michigan and will testify concerning the corporate knowledge of

The Dow Chemical Company with regard to asbestos.

- (10) F. B. Crouch
2141 Riverside
West Columbia, Texas
(unlisted number, can be reached through counsel for defendant)**

Mr. Crouch will testify concerning the uses of asbestos on the premises of The Dow Chemical Company in Freeport, Texas.

- (11) M. Gerald Ott, Ph.D.
Director of Epidemiology
BASF Corporation
Parsippany, NJ**

Dr. Ott is a former Dow biostatistician and epidemiologist who undertook some early reviews of insulators employed by Dow at the Freeport facility comparing their health to a control group of employees. This work was done in the late 1960s and early 1970s.

- (12) Tim Scott
The Dow Chemical Company
2301 Brazosport Blvd.
APB Bldg.
Freeport, TX 77541
(409) 238-7815**

Mr. Scott is the Head of Security and custodian of fingerprint data at Dow.

- (13) Cheryl Sandlin
The Dow Chemical Company
2301 Brazosport Blvd.
APB Bldg.
Freeport, TX 77541
(409) 238-7815**

Ms. Sandlin can testify with respect to the asbestos abatement program at Dow, both historically and in general, up to the year 2000.

Plaintiffs' claims are vague and ambiguous at this point, and Defendant does not have enough information to determine all of the persons having knowledge of facts relevant to this case. Defendant reserves the right to supplement this response as discovery proceeds.

F. For any testifying expert;

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by or otherwise subject to the control of the responding party, documents reflecting such information;
4. if the expert is retained by, employed by, or otherwise subject to your control;
 - a. all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - b. the expert's current resume and bibliography.

ANSWER:

EXPERT WITNESSES

**(1) Mr. Harold Hoyle
1360 Coranado Terrace
Daytona, FL 32725**

Mr. Hoyle worked as an industrial hygienist at Dow Chemical. He will testify by deposition as to matters concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Hoyle will testify generally that Dow did not have any indication of any problem of any asbestos-related disease in any of its employees until the 1970's. He will testify that Dow took reasonable and necessary precautions to protect its employees and was not negligent in its actions towards its employees. He will offer testimony concerning the monitoring that was done of the Dow employees that were working in asbestos-related fields, and the fact that monitoring data suggested that all exposures were within existing government and industry exposure limits.

No curriculum vitae or bibliography is available.

**(2) Mr. J. LeRoy Balzer
408 Horse Trail Court
Walnut Creek, CA 94595**

Mr. Balzer will testify concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Balzer is an industrial hygienist and safety professional and may testify concerning his education, training, and experience, as well as his factual observations and mental impressions and opinions and the basis for them, in the following areas: properties, use of and historical developments concerning asbestos and asbestos-containing products; industry practice and standards in general and specifically concerning industrial hygiene and asbestos; historical and developing state of the art of industrial hygiene in general and specifically concerning asbestos; state of knowledge concerning exposure to asbestos and effects thereof at relevant times; the process of establishing, historical development, and significance of maximum allowable concentrations, permissible exposure limits, threshold limit values, regulatory standards, and similar concepts, in general and specifically with regard to asbestos at relevant times and the reasonableness of reliance upon such established acceptable and safe levels of exposure to asbestos; relevant scientific and medical literature; the reasonably perceived risk, or lack thereof, posed to workers in various occupations from exposure to asbestos products during relevant periods of time; how potential exposure levels from various activities compared to then existing threshold limit values at relevant times; employer's responsibility for employee/worker work site conditions and safety; and the reasonableness of petrochemical premises owner's conduct during relevant periods of time. Mr. Balzer may also testify regarding matters in response to testimony of Plaintiffs' experts. The basis for Mr. Balzer's mental impressions and opinions are his education, training, and experience and his review of pertinent literature.

- (3) John E. Craighead, M.D.
Department of Pathology
University of Vermont
College of Medicine
Burlington, VT 05405
(802) 656-2210**

Dr. Craighead is a pathologist. He may testify, live or by deposition, concerning his review of the medical records, pathology and/or exposure history of Plaintiff's and/or Plaintiff's decedent. His testimony may also include discussion of asbestos and its effect on human health generally and Plaintiff's and/or Plaintiff's decedent specifically, and the effect that other substances have on human health generally and Plaintiff's and/or Plaintiff's decedent's condition specifically. Dr. Craighead may also testify regarding the medical conditions of Plaintiff's and/or Plaintiff's decedent based on review of medical records, x-rays, Plaintiff's experts' reports and supplemental reports and his training, experience and other special expertise. Further, Dr. Craighead may testify concerning the increased risk, if any, of cancer faced by asbestos exposed

workers and household members and the prognosis of such individuals. Further, Dr. Craighead will testify to the state-of-the-art issues with respect to knowledge of asbestos hazards.

- (4) **Dr. Mark Robert Wick**
301 Peacock Drive
Charlottesville, VA 22903-9716
(804) 245-9613
(804) 245-9643

Dr. Wick is a pathologist. He may testify, live or by deposition, concerning his review of the medical records, pathology and/or exposure history of Plaintiff's and/or Plaintiff's decedent and the cause of Plaintiff's and/or Plaintiff's decedent's medical condition. His testimony may also include discussion of asbestos and its effect on human health generally and Plaintiff's and/or Plaintiff's decedent specifically, and the effect that other substances have on human health generally and Plaintiff's and/or Plaintiff's decedent's condition specifically. Dr. Wick may also testify regarding the medical conditions of Plaintiff based on review of medical records, x-rays, Plaintiff's experts' reports and supplemental reports and his training, experience and other special expertise. Further, Dr. Wick may testify concerning the increased risk, if any, of cancer faced by asbestos exposed workers and the prognosis of such individuals.

In addition, if called to testify, either live or by deposition, Dr. Wick is expected to provide testimony regarding the areas stated below:

- (1) the anatomy and function of the respiratory and circulatory systems, including the protective systems of the body with regards to the inhalation and retention of dust, and the diagnosis and treatment of disease affecting such systems;
- (2) the nature of asbestos and asbestos-related diseases;
- (3) the symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- (4) the nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- (5) the effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system and other causes of obstructive and restrictive disease or defects of the respiratory system;

- (6) methods of diagnosis of various diseases, especially the means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
 - (7) incidence of lung cancer among individuals with asbestosis or asbestos exposure as compared to non-asbestotic asbestos workers, non-asbestos exposed workers and to the general population;
 - (8) cigarette smoking and its effects on the lungs and other organs;
 - (9) the relationship of cigarette smoking to cancer of the lung and cancers of other body parts with reference to epidemiology studies and physiologic effect;
 - (10) the difference between impairment and disability;
 - (11) the effect of asbestosis or other asbestos-related disease, or asbestos exposure without asbestosis or other asbestos-related disease, on disability and life expectancy;
 - (12) the lack of relationship between the presence of pleural plaques and a later development of any form of cancer;
 - (13) the history of evolution and knowledge of asbestos related diseases;
 - (14) the import of any exhibit introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witness;
 - (15) cancer incidence in the general population and among asbestos workers and its potential causes;
 - (16) the incidence of mesothelioma among various kinds of workers exposed to asbestos, and the relative importance of various fiber types and the cause of mesothelioma; and
 - (17) to the extent not covered above, asbestos medicine in general.
- (5) Patrick N. Conoley, M.D.
Kelsey Seybold Clinic
6624 Fannin, Suite 1800
Houston, Texas 77030
713-791-8787

Dr. Conoley is an M.D. and a "B"-reader, who may testify concerning his review of the radiographs and CT scans of Plaintiff's and/or Plaintiff's decedent in this

case and the significance of various x-ray findings on the radiographs of Plaintiff's and/or Plaintiff's decedent.

- (6) **Dr. Frederick M. Toca**
2 E. Blackwell Street
Dover, NJ 07801
973-366-4660

Dr. Toca will testify concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Dr. Toca is an industrial hygienist and safety professional and may testify concerning his education, training, and experience, as well as his factual observations and mental impressions and opinions and the basis for them, in the following areas: properties, use of and historical developments concerning asbestos and asbestos-containing products; industry practice and standards in general and specifically concerning industrial hygiene and asbestos; historical and developing state of the art of industrial hygiene in general and specifically concerning asbestos; state of knowledge concerning exposure to asbestos and effects thereof at relevant times; the process of establishing, historical development, and significance of maximum allowable concentrations, permissible exposure limits, threshold limit values, regulatory standards, and similar concepts, in general and specifically with regard to asbestos at relevant times and the reasonableness of reliance upon such established acceptable and safe levels of exposure to asbestos; relevant scientific and medical literature; the reasonably perceived risk, or lack thereof, posed to workers in various occupations from exposure to asbestos products during relevant periods of time; how potential exposure levels from various activities compared to then existing threshold limit values at relevant times; employer's responsibility for employee/worker work site conditions and safety; and the reasonableness of petrochemical premises owner's conduct during relevant periods of time. Dr. Toca may also testify regarding matters in response to testimony of Plaintiffs' experts. The basis for Dr. Toca's mental impressions and opinions are his education, training, and experience and his review of pertinent literature.

- (7) **Dr. Jack Peterson**
2830 Via Viejah Oeste
Alpine, California 91901
(619) 445-9668

Dr. Peterson will testify concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Dr. Peterson will testify that The Dow Chemical Company was not negligent in

any respect with respect to its employees or contractor employees. He will testify that reasonable precautions were taken with respect to the handling of asbestos in the facilities and that Dow at all times acted as a reasonably prudent plant owner with respect to asbestos on its premises. This testimony is based on his review testimony of Dow employees, such as Harold Hoyle, and his review of Dow's documents concerning exposures to asbestos on its premises. It will also be based upon his knowledge of state-of-the-art treatment of asbestos in the work place

- (8) **Mr. John Spencer**
Environmental Profile, Inc.
813 Frederick
Baltimore, MD 21228
(410) 744-0700

Mr. Spencer will offer testimony concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Spencer will testify that The Dow Chemical Company was not negligent in any respect with respect to its employees or contractor employees. He will testify that reasonable precautions were taken with respect to the handling of asbestos in the facilities and that Dow at all times acted as a reasonably prudent plant owner with respect to asbestos on its premises. This testimony is based on his review testimony of Dow employees, such as Harold Hoyle, and his review of Dow's documents concerning exposures to asbestos on its premises. It will also be based upon his knowledge of state-of-the-art treatment of asbestos in the work place

- (9) **Mr. Lawrence R. Birkner, CIH, CSP**
McIntyre, Birkner & Associates, Inc.
2026 El Monte Drive
Thousand Oaks, California 91362-1822
(805) 494-8173

Mr. Birkner worked as an industrial hygienist at Atlantic Richfield and the American Can Company. He will testify as to matters concerning state-of-the-art, industrial hygiene matters, and occupational health issues.

Mr. Birkner is a certified industrial hygienist and certified safety professional. He received a Bachelor of Science degree from Portland State University in 1973 and a Masters Degree in Occupational Safety and Health at New York University in 1975. Between 1974 - 1976, Mr. Birkner worked closely with Dr. Irvin Selikoff and others at Mount Sinai while employed as a safety and health research specialist at Environmental Sciences Laboratory in New York. From 1976 through 1996, Mr. Birkner worked extensively as a practicing industrial

hygienist in American industry; in the course of that employment, Mr. Birkner worked as a corporate industrial hygienist for Celanese Corporation between 1977 - 1981. Mr. Birkner is a fellow of the AIHA and a member of the other professional industrial hygiene organizations reflected on Mr. Birkner's curriculum vitae, which has already been provided to Baron & Budd in connection with the *May* and *Dolezal* cases.

Mr. Birkner will provide testimony regarding the history of industrial hygiene, industrial hygiene methods, exposure levels which trigger diseases associated with dust exposure, good housekeeping measures, and other related matters. He is prepared to testify about respirator history, what constitutes good hygiene practice, and the periods of time from an industrial hygiene standpoint when people and companies became aware of associated health risks. Mr. Birkner may give testimony regarding the level of fiber release, if any, from asbestos-containing products in the occupational setting and may testify regarding the availability of materials as substitutes for asbestos-containing products. He may testify as to issues involving re-entrainment and fiber drift. Mr. Birkner may also testify regarding work practices applicable to various types of occupations using products that contain asbestos, and he will provide a retrospective assessment or estimate of plaintiff's likely exposure to asbestos in a work environment based on historical literature and the facts available in this case.

Mr. Birkner has personal knowledge of relevant facts, but he also possesses generalized expertise in his field based on his specialized knowledge, skills and training. He may provide testimony regarding the applicability of the ACGIH, OSHA and EPA guidelines as they relate to occupational exposures to various types of asbestos-containing products. Mr. Birkner may testify regarding the size, construction, layout and working environment of facilities such as where plaintiff worked. He may testify about the nature of the working environment in such locations. He may testify about his knowledge of the composition and asbestos content, if any, of products present in the plaintiff's workplace and may testify concerning the ability of such products to emit asbestos fibers under certain conditions. Mr. Birkner may testify to the dust levels produced by particular occupational operations and products, to include those associated with the use of pipe and block insulation.

Mr. Birkner may testify about the development of literature and information about asbestos-related diseases as they relate to the gradual development of knowledge within industry and within the field of industrial hygiene about asbestos exposure and appropriate control measures. He will address the evolution of workplace practices available to control exposures, to include the historical development of the use of respiratory protection in association with the historical development of the use of respiratory protection in association with the handling of asbestos-containing products. Mr. Birkner will testify regarding the development over time of governmental standards and

regulations pertaining to asbestos, to include the historical evolution of permissible exposure levels to asbestos developed by professional organizations and government agencies. He will discuss his own research into asbestos-related diseases as they relate to industrial hygiene, and the carcinogenicity of various fiber types as they relate to industrial hygiene, and the relationship, if any, between asbestos and various diseases. Mr. Birkner will provide testimony regarding the epidemiology of asbestos-related diseases, latency, state-or-the-art, and other related matters as they impact industrial hygiene. Mr. Birkner will also testify on the probability of whether the plaintiff at issue would have been exposed to asbestos at various work sites. He may also testify as to any matter raised by experts called by plaintiff or co-defendants in this action.

- (10) Dr. Ralph Cook
RRC Consulting, L.L.C.
1401 Harwood Court
Midland, Michigan 48640-2765
(517)837-9607

Dr. Cook will offer testimony concerning epidemiology studies that were done concerning the Dow Freeport facility.

Dr. Cook will testify that the epidemiology studies that were performed concerning the Dow Freeport facility did not indicate any excess of asbestos related illnesses or diseases among the employees. This testimony will be based upon epidemiology work that was done by the epidemiology staff at The Dow Chemical Company.

No curriculum vitae or bibliography is available.

- (11) Gregory G. Bond, Ph.D.
The Dow Chemical Company
Midland, Michigan

Dr. Bond will offer testimony concerning epidemiology studies that were done concerning the Dow Freeport facility.

Dr. Bond will testify that the epidemiology studies that were performed concerning the Dow Freeport facility did not indicate any excess of asbestos related illnesses or diseases among the employees. This testimony will be based upon epidemiology work that was done by the epidemiology staff at The Dow Chemical Company.

No curriculum vitae or bibliography is available.

- (12) **John R. Holcomb, M.D.**
4410 Medical Dr., Suite 440
San Antonio, Texas 78229
(210) 692-9400

Dr. Holcomb may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Holcomb is a potential doctor who may perform individual medical examinations on plaintiff Vicente Rodriguez. As soon as the examination and the report of Dr. Holcomb is completed, it will be provided to plaintiffs.

- (13) **Robert Marshall Ross, M.D.**
6550 Fannin St. Suite 2403
Houston, Texas 77030
(713) 383-6100

Dr. Ross may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Ross is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Ross is completed, it will be provided to plaintiffs.

- (14) **Kathryn Ann Hale, M.D.**
Baylor College of Medicine
Pulmonary Section
6550 Fannin St., Suite 1236
Houston, Texas 77030
713/790-2076

Dr. Hale may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Hale is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Hale is completed, it will be provided to plaintiffs.

- (15) **Dr. Gregory Foster**
Pulmonary Medicine Consultants
375 Municipal Dr., #218
Richardson, Texas 75080
(972) 680-0666

Dr. Foster may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Foster is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Foster is completed, it will be provided to plaintiffs.

- (16) Dr. Gary K. Friedman**
Texas Occupational Medicine Institute
11757 Katy Freeway, Suite 1540
Houston, Texas 77079
281-496-2992

Dr. Friedman is board certified by the American Board of Internal Medicine and the American Board of Preventive Medicine and Occupational Medicine and practices occupational medicine and pulmonology in Houston, Texas.

Dr. Friedman may testify concerning plaintiff's medical condition and medical causation issues.

Dr. Friedman is a potential doctor who may perform individual medical examinations on plaintiff(s) filing a claim against Dow. As soon as the examination and the report of Dr. Friedman is completed, it will be provided to plaintiffs.

A copy of Dr. Friedman's curriculum vitae will be provided upon request.

The following experts have been designated to testify on behalf of various premises defendants, and their addresses, curriculum vitae, and reports and description of areas of testimony have previously been provided. Rather than duplicate that information, The Dow Chemical Company simply adopts it by reference herein. The witnesses are as follows:

John Pendergrass	Industrial hygiene and safety
James Knorpp, P.E.	Safety and engineering
Peter Barrett, M.D.	Radiologist
Frank Weir, Ph.D.	Toxicologist and industrial hygienist

In addition to the above named witnesses, The Dow Chemical Company also designates all other witnesses listed by all other parties as possible witnesses.

Expert curriculum vitae will be made available upon request.

Plaintiffs' claims are vague and ambiguous at this point, and Defendant does not have enough information to determine all of the experts which are relevant to this case. Defendant reserves the right to supplement this response as discovery proceeds.

G. Any discoverable indemnity and insuring agreements.

ANSWER:

Plaintiffs have not provided information on when they were allegedly exposed to asbestos containing products on defendant's premises, which premises were involved or who the employer was at the time of the alleged exposure. All of this information is necessary before defendant can identify any indemnity or insuring agreements which may apply to plaintiffs' claims.

H. Any discoverable settlement agreements.

ANSWER:

Defendant has no settlement agreements related to this case.

I. Any discoverable witness statements.

ANSWER:

Plaintiffs' claims are vague and ambiguous at this point, and Defendant does not have enough information to determine if it has any witness statements that would be relevant to this case. Defendant will supplement this response as required by the Rules.

J. All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

ANSWER:

Defendant does not possess any such medical records or bills other than those produced by plaintiffs in their discovery responses. If such records are obtained this answer will be supplemented.

K. All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

ANSWER:

Defendant has yet to order any of plaintiffs' medical records or bills. If such records are obtained this answer will be supplemented.

ALBERT JOSEPH BOBB,
ET AL.

VS.

GAF CORPORATION,
ET AL.

§ IN THE DISTRICT COURT
§
§
§ DALLAS COUNTY, TEXAS
§
§
§ 116TH JUDICIAL DISTRICT

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, The Dow Chemical Company, certify under the Texas Rules of Civil Procedure that the following documents have been served on Plaintiffs on June 25, 2001:

1. Defendant The Dow Chemical Company's Objections and Responses to Plaintiffs' First Set of Interrogatories, First Request for Production and First Request for Admissions;
2. Defendant The Dow Chemical Company's Objections and Responses to Plaintiffs' Request for Disclosure.

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By: _____

Arthur R. Almquist

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One Allen Center

500 Dallas, Suite 1200

Houston, Texas 77002

Telephone: (713) 655-1200

Facsimile: (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on this the 25th day of June, 2001, in accordance with the Texas Rules of Civil Procedure.

Art Almquist / Elna N. Griggs *Openmission*
Arthur R. Almquist / Elna N. Griggs