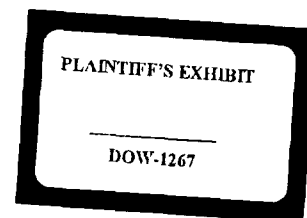


LAW OFFICES OF
Herschel L. Hobson, Ph.D., J.D.
ATTORNEYS AT LAW



November 9, 1999

Via facsimile (225) 768-7999

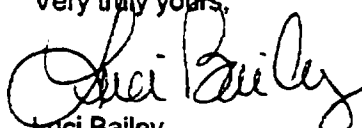
Mr. Cameron Waddell
LeBlanc, Maples & Waddell
Attn: Jackie
5353 Essen Lane
Suite 420
Baton Rouge, LA 70809

Re: Dow trial case

Dear Jackie:

Enclosed are Dow Chemical Company's Answers to Request for Admissions filed in the Allen litigation, dated July 3, 1990. This is the exhibit that is attached to Harold Hoyle's deposition. Please let me know if you need any additional information for your trial.

Very truly yours,


Luci Bailey,
Legal Assistant

//lb/kdc

Enclosure

LAW OFFICES OF
Herschel L. Hobson
ATTORNEY AT LAW

Telecopier Transmittal Form

Date: 11/9/99To: Jackie/Cameron Waddell Fax # (225) 768-7999

Comments/Description: _____

Re: Dow Trial Case Our File #: 28000Total # of Pages Including this Transmittal Form: 12**WARNING**

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OF COUNSEL
AUSTIN, TEXAS
QUENTIN KEITH
(1910-1987)

July 3, 1990

Re: Cause No. B-126,986; Russell H. Allen, et al v.
American Petrofina, Inc., et al; 60th Judicial District
Court, Jefferson County, Texas; M&W File No. 4000-324

Mr. John Appleman
District Clerk
P.O. Box 3707
Beaumont, TX 77704

Dear Mr. Appleman:

Enclosed please find the following document(s) which I
would appreciate your filing in the above-captioned cause of
action:

1. Answers to Requests for Admission.

Please file stamp the enclosed copy of this letter
showing the date of filing and return to my office. By copy of
this letter, I have furnished opposing counsel with a copy of
same.

Very truly yours,


G. J. Weber
For the Firm

OJW/lfb
6912A
Enclosure(s)
cc: Mr. Joe Blanks
Reaud, Morgan & Quinn
909 Laurel Street
Beaumont, TX 77701

(Hand Delivery)

JUL 06 1990
115021

4624W

NO. B-126,986

RUSSELL H. ALLEN, ET AL

VS.

AMERICAN PETROFINA, INC.,
ET AL

§
§
§
§
§
§

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

60TH JUDICIAL DISTRICT

ANSWERS TO REQUESTS FOR ADMISSIONS

TO: Russell H. Allen, et ux, et al by and through their attorney of record, Mr. Joseph C. Blanks, Reaud, Morgan & Quinn, 909 Laurel Street, Beaumont, TX 77701.

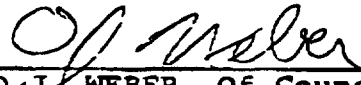
COMES NOW The Dow Chemical Company and, pursuant to Rule 169, Texas Rules of Civil Procedure, files this its answers to requests for admissions filed by Plaintiffs.

Respectfully submitted,

MEHAFFY & WEBER

Attorneys for The Dow Chemical
Company

By


O.J. WEBER, Of Counsel
State Bar No. 21048000

Post Office Box 16
Beaumont, Texas 77704
409/835-5011

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument has been forwarded to all counsel of record on this the 30 day of July, 1990.


O.J. Weber

017232

JUL 06 1990

ANSWERS TO REQUEST FOR ADMISSIONS

ADMIT OR DENY:

1. You knew that asbestos posed a risk of harm to humans prior to:
 - a) 1985,
 - b) 1980,
 - c) 1975,
 - d) 1970,
 - e) 1965,
 - f) 1960,
 - g) 1955,
 - h) 1950,
 - i) 1945,
 - j) 1940,
 - k) 1935.

ANSWER: Defendant Dow Chemical Denies subparts a) through k) as written because asbestos IN ALL FORMS does not pose a risk of harm to humans.

Defendant Dow admits that it had knowledge that respirable, airborne asbestos fibers posed a risk of harm to humans in the late 1960's.

2. You knew that asbestos was present in the subject premises prior to:
 - a) 1985,
 - b) 1980,
 - c) 1975,
 - d) 1970,
 - e) 1965,
 - f) 1960,
 - g) 1955,
 - h) 1950,
 - i) 1945,
 - j) 1940,
 - k) 1935.

ANSWER: a. Admit
b. Admit
c. Admit
d. Admit

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- e. Admit
- f. Admit
- g. Admit
- h. Admit
- i. Admit
- j. Deny
- k. Deny

3. You inquired whether asbestos posed a risk of harm to human health prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant admits subparts a) through g) and denies subparts h) through k).

4. The health hazards posed by asbestos were reported in the scientific and medical literature prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow denies subparts a) through k) as asked in this general form.

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Defendant Dow admits that it now knows that potential health hazards posed by respirable, airborne asbestos was being researched and reported in scientific and medical literature prior to 1935, but until the late 1960's, it was generally accepted that the health hazards of respirable airborne asbestos was restricted to persons who worked in asbestos mines and textile factories handling large quantities of raw asbestos.

5. You instituted a corporate industrial hygiene program prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow admits subsection a) through h) and denies i) through k).

6. You began a corporate asbestos abatement or removal program prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow admits subparts a) through e) and denies subparts f) through k).

7. You undertook air sampling and monitoring for asbestos levels in the air on the subject premises prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow admits subsections a) through d) for asbestos levels only. Dow further admits other air monitoring was done to detect asbestos as early as 1955.

8. You undertook to warn your own employees of the hazards of human health posed by asbestos prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: As to respirable, airborne asbestos fibers, defendant Dow admits subsections a) through d) and denies subsections e) through k). Dow, however, warned employees and contractors to use respiratory protection against respirable dust and heavy vapors since the mid-1940's as protection against silicosis.

9. You provided respiratory protection from dust inhalation to your own employees on your premises in the United States and Canada prior to:

4624W

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow admits subsections a) through j).

10. You last specified the use of asbestos containing products in the subject premises as of:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow objects to this admission as being in improper form to either admit or deny, because it is in the form of an interrogatory; however, defendant Dow admits it ceased specifying asbestos or asbestos containing products in a respirable form on the premises of Texas Operations at some undetermined time prior to 1970, except in areas of 1500 degrees F where encapsulated asbestos was used and only when no other insulating material was available.

11. You knew or should have known of the causal connection between exposure to asbestos and mesothelioma prior to:

- a) 1985,
- b) 1980,
- c) 1975,

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- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow denies subsections a) through k) as it is worded because asbestos that is not respirable or airborne does not create a risk to human health, nor would there be any causal connection to mesothelioma. However, Dow admits that it had knowledge of a causal connection between respirable, airborne asbestos and mesothelioma in the late 1960's.

12. You knew or should have known of the causal connection between exposure to asbestos fibers and lung cancer prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow denies subsections a) through k) as they are written because a causal connection between asbestos fibers and lung cancer can only be assumed IF the asbestos fibers are airborne and/or in a situation to be respirable.

Defendant Dow admits that it was aware of the potential causal connection between respirable, airborne asbestos fibers and lung cancer in the late 1960's.

13. You knew or should have known of the causal connection between asbestos and other cancers prior to:

4624W

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow objects to the admission as being too vague and overly broad to either admit or deny. Therefore, defendant must deny this admission because (1) all asbestos in every form is not a risk to human health and (2) the term "other cancers" is of such a broad and general scope that it cannot be reasonably assumed which "cancers" plaintiff is inquiring about. Without waiving the above objection, Dow did not know of any causal connection between respirable asbestos and cancer until the late 1960's.

14. You knew or should have known that inhalation of asbestos fibers causes an irreversible lung disease prior to:

- a) 1985,
- b) 1980,
- c) 1975,
- d) 1970,
- e) 1965,
- f) 1960,
- g) 1955,
- h) 1950,
- i) 1945,
- j) 1940,
- k) 1935.

ANSWER: Defendant Dow denies subsections a) through k) because the inhalation of asbestos fibers does not automatically cause irreversible lung disease.

15. STRICKEN.

16. With respect to each contractor listed above, you failed to warn the contractor or its employees that those employees were at risk for inhalation of asbestos fibers while working at the subject premises.

ANSWER: DENIED: Since the early 1940's, defendant Dow has required contractor's employers to provide all necessary respiratory equipment to their employees while on Dow premises for the contractors protection from heavy vapors and respirable dust. Contractor employees were provided copies of the contractor's safety handbook which set this safety standard out and further, the contractor employer was contractually responsible to inform their workers of any and all hazards and provide the appropriate safety equipment to perform their tasks while on Dow premises. In the late 1960's, when Dow learned of the hazards of respirable airborne asbestos, it implemented a program to warn of such hazards.

17. With respect to each contractor listed above, you failed to provide respiratory protection to their employees so as to prevent their inhalation of asbestos fibers upon the subject premises.

ANSWER: Denied: each individual contractor was under contractual obligation to provide all necessary safety equipment their employees would need for the safe performance of their duties while working on Dow premises and defendant Dow thereby, through the contractor employer, provided the appropriate respiratory equipment.

18. You failed to take reasonable steps to prevent those employees from being exposed to asbestos fibers while they worked upon the subject premises.

ANSWER: Denied: Defendant Dow provided safety manuals for contractors as early as the 1940's, which specifically required employees to use respiratory protection for respirable dust, and specifically addressed contractor safety by contractually requiring the contractor employer to provide all necessary equipment to their employees for the safe performance of the jobs to be performed. In the late 1960's, when Dow learned of the hazards of respirable airborne asbestos, it implemented an asbestos warning program as well as other specific procedures to eliminate exposure to airborne asbestos on the subject premises.



DOWS ANS TO RFA ALLEN