

NO. 97-4055-B

EPIMENIO CABRERA; AND JESUS
IGNACIO CHAVERA

VS.

OWENS-CORNING FIBERGLASS
CORPORATION ET. AL.

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IN THE DISTRICT COURT OF

NUECES COUNTY, TEXAS

117TH JUDICIAL DISTRICT

**MOTION FOR PROTECTION, OBJECTIONS AND RESPONSES OF
KOCH REFINING COMPANY TO PLAINTIFFS' INTERROGATORIES,
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSIONS**

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

COMES NOW, Defendant, Koch Refining Company (hereinafter referred to as "Defendant"), and files this its Motion for Protection and Objections and Responses to Plaintiffs' Interrogatories, Requests for Production and Requests for Admissions.

I.

MOTION FOR PROTECTION

In addition to the objections hereinafter stated, Defendant seeks the Court's protection with respect to the production and location of production of the massive number of documents requested by Plaintiffs.

(A) Defendant seeks relief from the labeling requirements relative to the production. In the event this defendant's objections are overruled, then the Court may be requiring this defendant to produce massive quantities of documents. It would be an unnecessary expense and constitute harassment for this defendant to be put to the additional burden of labeling these documents. Defendant will produce the documents grouped as they are kept in the ordinary course of business,

as provided by Rule 196.3 T.R.C.P., but it reserves the right not to label all things produced, as requested in Plaintiffs' instructions.

(B) The documents which may be required to be produced in response to the many requests for production contained herein may be located at a number of different facilities, including Wichita, Kansas, or Corpus Christi and Houston, Texas, or elsewhere. Defendant requests the Court to enter an order protecting it from producing the documents at some specified place other than where they are stored or kept in the ordinary course of business or such other facility as the parties may agree to after conferring.

(C) Defendant seeks the Court's protection limiting Plaintiffs' inquiries to information and discoverable materials post-dating November, 1981, when the Suntide Refinery at issue in this case was purchased by Defendant.

II.

GENERAL OBJECTIONS

Defendant objects to those "definitions" contained in Plaintiffs' discovery requests which attempt to assign meanings to words which differ from their ordinary and common meanings. These "definitions" render the requests overly broad and unduly burdensome.

Defendant objects to those "definitions" imposed in Plaintiffs' discovery requests which purport to create burdens which are not required by the Texas Rules of Civil Procedure and, therefore, are beyond the scope of permissible discovery. Defendant will comply with the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence, and other Texas law in responding to Plaintiffs' discovery requests.

Defendant objects to those discovery requests which seek any information regarding any "predecessor," "successor," or "subsidiary" of this Defendant as overly broad, vague, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objects to those discovery requests of Plaintiffs which are not limited to those specific time periods and facilities which are at issue in this lawsuit because they are overly broad.

Defendant Koch and its predecessors or affiliates at one time owned a refinery and a pipeline terminal facility in the Corpus Christi area. It was at the refinery, sometimes referred to as the Suntime Refinery, that Plaintiffs assert they were employed. Defendant specifically objects to responding to each of the following requests, interrogatories and requests for admissions with respect to any facilities other than the facilities located in Nueces County. What happened at other facilities is not relevant to any issue in this case, nor is it likely to lead to the discovery of relevant evidence. Such inquiries are overbroad and burdensome. All responses that follow are therefore with respect to the facilities located in Nueces County where Plaintiffs claim to have worked and are subject to this objection.

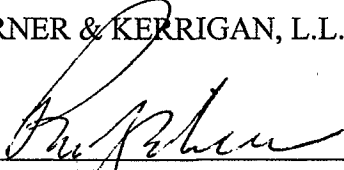
Defendant hereby specifically incorporates each of the foregoing objections into each specific answer and response set forth below. The following answers, responses and objections are filed subject to and without waiving these objections and any further objections stated in the answer or response.

With respect to the following responses, this Defendant asserts that they are made at this time subject to amendment. Specifically, this Defendant reserves the right to amend responses to requests for admissions which, although denied at this time, may at a later date be subject to admission based

on continuing investigation. The same is true of responses to interrogatories and requests for production, which, as investigation continues, will be supplemented as required by the rules.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

By: 

Philip Werner

State Bar No. 21190200

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Houston, Texas 77056

Phone: (713) 626-2233

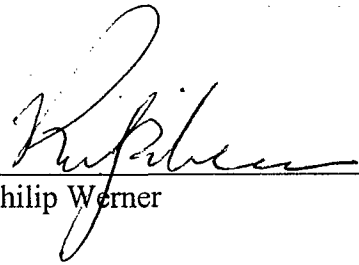
Fax: (713) 626-9708

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

CERTIFICATE OF SERVICE

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

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


Philip Werner

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER:

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 1:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 2:

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 during the years at issue.

RESPONSE:

With respect to the period of time up until November of 1981, this defendant did not own the Suntide premises. Despite reasonable inquiries, this defendant has therefore been unable to respond to this request because it has no pertinent information. With respect to November 1981 through 1983, the request is denied at this time.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's Premises.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

Not applicable.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Denied.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. state the dates and locations of each abatement procedure;
- c. state which asbestos-containing products were abated.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

RESPONSE:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Denied at this time.

REQUEST FOR PRODUCTION NO. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, during the years at issue, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed;
- c. Identify your employee responsible for monitoring, verifying or instructing concerning these services to be performed by such contractors.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Unknown to this defendant.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

Unknown to this defendant.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE:

Denied at this time.

REQUEST FOR PRODUCTION NO. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s)? If the answer is anything other than "no," identify each and every fact which supports this contention.

OBJECTION:

This defendant objects to marshaling all facts which support its denial as being overbroad, burdensome, and inconsistent with the spirit of the rules of procedure and Plaintiff's burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos. This defendant stands by its general denial in that regard and requests that Plaintiff prove his case, as required by law.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked or and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Denied at this time.

REQUEST FOR PRODUCTION NO. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the premises of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees 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 by your employees at any locations.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request contains an implied or specific misstatement of fact, in that it assumes hazardous concentrations of airborne asbestos on Defendant's Premises created by Defendant's employees. It is therefore objectionable because it assumes facts contrary to the evidence or which are unproven at this time.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER:

Unknown at this time, except to the extent reflected in any materials which may be located.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Any such materials will be produced, if they can be located. Such production will be based on the years of work at Suntide which Plaintiff claims in his pleadings and discovery responses.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

Denied at this time.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it is unclear when Plaintiff worked on Defendant's Premises, if ever. It is therefore objectionable because it assumes facts contrary to the evidence or which are unproven at this time.

RESPONSE:

If any such materials are available for the period of employment, based on Plaintiff's pleadings and discovery responses, they will be produced.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE:

Denied.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This defendant objects to marshaling all facts which support its denial as being overbroad, burdensome and inconsistent with the spirit of the rules of procedure and Plaintiff's burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos, that he suffered an illness as a consequence, and that he was not properly warned by this defendant or Plaintiff's own employer. This defendant stands by its general denial and requests that Plaintiff prove his case as required by law.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is vague and unintelligible as written because it fails to state the time period involved. It is therefore objectionable and cannot be answered as written.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

This defendant has provided safety equipment to its own employees as it considered prudent and appropriate to protect them from time to time.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Denied as phrased.

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

ANSWER:

This Defendant purchased the Suntide facility in November 1981. What was happening at the facility prior to 1970 at the Suntide refinery is unknown to this defendant, and this defendant has not located any documents going back that far.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because this defendant is not aware when Plaintiff was present at the Suntide refinery, if ever, during the period of time that this defendant has owned the Suntide refinery. It is therefore objectionable and cannot be answered as written.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 18:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 21:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "work sites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

This defendant did not own the Suntide refinery until 1981. It has no records dating from the period of time inquired about.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years at issue Defendant had the power to control Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 23:

Admit that, during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 26:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 24:

Admit that, during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 27:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 25:

Admit that, during the years at issue, Defendant had the power to superintend the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 28:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 29:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 30:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 32:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 31:

Admit that during the years at issue Defendant controlled Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 32:

Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the years at issue, Defendant superintended the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 42:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

INTERROGATORY NO. 17:

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on Defendant's premises, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This interrogatory seeks material subject to the attorney/client and/or work product privilege.

ANSWER:

To the extent that this inquiry covers the period of time that this defendant owned the Suntide refinery, this defendant denies that, as a matter of practice, it exercises control over the details of the work of independent contractors who come onto its premises to perform tasks. This defendant did have the right to stop and start work and also had the right to receive reports. This defendant objects to any implied obligation in this interrogatory that it marshal all its evidence.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 44:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 47:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 48:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 49:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 51:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 52:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision and/or control.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 54:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

OBJECTION:

This request is vague and unintelligible as written because it assumes that this defendant had a relationship with Plaintiff or his employer, when the years Plaintiff is apparently claiming he worked at the Suntide refinery, now owned by Koch, was a period of time more than 10 years prior to this defendant's purchase of the facility. The request can therefore neither be admitted nor denied as phrased. With respect to this defendant's predecessors in interest, this defendant specifically has insufficient knowledge to admit or deny this request.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This defendant objects to marshaling all facts which support its general denial as being overbroad and burdensome and inconsistent with the spirit of the rules of procedure and misplaces the burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos and that this exposure caused an asbestos-related injury. This defendant stands by its general denial in that regard and requests that Plaintiff prove his case as required by law.

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 56:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege. This request is objectionable because it contains a vague clause, "the unreasonable risk of harm," which is not defined.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 57:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 58:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

See medical reports from examining physicians and "B" readers.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 63:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 64:

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.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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) described in the preceding paragraphs.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege. This request is vague and unintelligible as written

because "the preceding paragraphs" is not a defined term, and it is unclear what this refers to. It is therefore objectionable and cannot be answered as written.

This defendant would further object to producing materials other than the Corpus Christi premises where Plaintiff asserts he worked, and specifically objects to producing any materials, for the reason that Plaintiff has apparently alleged that he worked at the Suntide refinery long before this defendant owned the premises. If Plaintiff's allegations implicit in this discovery are correct, this defendant has no relevant documents or information.

INTERROGATORY NO. 20:

Does Defendant have 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? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

OBJECTION:

Denied at this time.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

It is admitted that this defendant is not installing any new asbestos products on its premises.

REQUEST FOR PRODUCTION NO. 67:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 69:

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.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts or other documents that relate to abatement of asbestos at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts or other documents that relate to the installation of asbestos products at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises. 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 employment records relating to Plaintiff's health.

OBJECTION:

This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

These documents have been obtained from Plaintiff and from records services. Copies of any such documents are available for inspection at the office of the undersigned counsel.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE:

None available.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 77:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 79:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

OBJECTION:

This invades the privacy rights of third parties, who are not parties in this case. This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping, receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 83:

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".

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 84:

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, 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.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 86:

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.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 87:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 88:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 89:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 90:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 92:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Proper net worth information will be provided, upon a prima facie demonstration which may support a finding of gross negligence, such as defendant's net worth becomes an issue in this matter.

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

RESPONSE:

Appropriately redacted copies of the purchase of the Suntide refinery by this defendant are available for examination and copying at the offices of the undersigned counsel.

REQUEST FOR PRODUCTION NO. 94:

Produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises and liabilities arising from said ownership.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Some of these agreements are private in nature, are confidential and are wholly irrelevant to any issue in this case.

REQUEST FOR PRODUCTION NO. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 96:

Produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

OBJECTION:

This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facilit(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), 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.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request also seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

Documents evidencing purchase of a refinery located in Corpus Christi, Texas, by Koch from Sun Company in 1981 will be made available at a mutually convenient time and place.