

IN RE ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH
CASES FILED BY BARON & BUDD,
P.C., OR TO BE FILED BY BARON
& BUDD, P.C. IN DALLAS
COUNTY, TEXAS

§
§
§
§
§
§

IN THE CIVIL DISTRICT COURTS OF

DALLAS COUNTY, TEXAS

PLAINTIFF'S EXHIBIT

DOW-2988

**THE DOW CHEMICAL COMPANY'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

TO: Plaintiffs, by and through their attorney of record, Caren Lock Hanson, 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 Plaintiffs' Master Interrogatories and Requests for Production
pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

ABBOTT, SIMSES & KUCHLER

By: Lawrence E. Abbott

Lawrence E. Abbott (TX 00795846)

400 Lafayette Street, Suite 200

New Orleans, Louisiana 70130

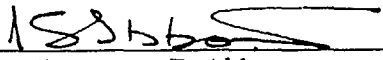
Phone: (504) 568-9393

Facsimile: (504) 524-1933

**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 Plaintiffs' Master Set of Interrogatories and Requests for Production has been served upon all known counsel of record by certified mail, return receipt requested, regular mail, and/or facsimile on this 23rd day of July, 2002.



Lawrence E. Abbott

GENERAL RESPONSES, OBJECTIONS, AND ASSERTIONS OF PRIVILEGE

Dow makes the following general objections to Plaintiff's Master Interrogatories and Requests for Production of Documents (hereinafter "First Set of Discovery") directed to it:

1. Dow objects to the First Set of Discovery to the extent that it seeks to compel the disclosure of information specifically exempted from discovery by Rule 192 of the Texas Rules of Civil Procedure (hereinafter "TRCP") and Article V of the Texas Rules of Evidence (hereinafter "TRE"), including but not limited to the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, and/or the investigative privilege.

2. Dow objects to paragraph one (1) of the DEFINITIONS section regarding "Defendant," "You," "Your," and "Your Company," as well as paragraph three (3) regarding "persons." These terms are overly broad and unduly burdensome and pertain to corporations who are not parties to this action. Dow also objects to paragraphs one (1) and three (3) because those paragraphs include attorneys for Dow and their agents, whose communications are protected by the attorney/client privilege, work product doctrine, joint defense doctrine, and/or investigative privilege.

3. Dow objects to paragraph two (2) of the DEFINITIONS section regarding the definition of the word "document" and the instructions relating to "possession, custody or control," as those usages are overly broad and seek information specifically exempted from discovery by TRCP Rule 192.5 and TRE Rule 503, including the attorney work product doctrine and the attorney/client privilege. Throughout these responses, Dow will

utilize and apply the commonly used meaning of the term "document," and will employ the guidance of TRCP Rule 192.3(b) in regards to this term.

4. Dow objects to paragraph six (6) of the DEFINITIONS section to the extent the information sought concerns asbestos in a non-friable form. Information relating to same is not at issue in this litigation.

5. 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 products related to its "predecessors or subsidiaries." The requested information is beyond the scope of proper discovery and unduly burdensome to produce. The probative value of this information is clearly outweighed by the excessive expense and waste of resources in requiring Dow to respond to it.

6. Dow objects to Plaintiffs' First Set of Discovery to the extent it is not limited in scope to a specific time period.

7. Dow objects to Plaintiffs' First Set of Discovery to the extent that it seeks disclosure of trade secrets, proprietary material, and other confidential information protected from discovery under Texas law.

8. Dow objects to any discovery request seeking information pertaining to any subsidiary and/or other business association, that was not a subsidiary and/or business association at the relevant time periods, and which continues to exist as a separate legal entity(ies).

9. Any objection to this First Set of Discovery made by Dow should not be interpreted to necessarily mean that Dow is in possession of non-privileged information responsive to a discovery request.

10. Each of the general responses, objections, and assertions of privilege set forth above are incorporated by reference in response to each of the Interrogatories and Requests for Production of documents set forth below.

11. Discovery is ongoing and Dow reserves the right, pursuant to the Texas Rules of Civil Procedure, to supplement the discovery responses set forth below.

**OBJECTIONS AND RESPONSES TO PLAINTIFF'S INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

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 of each person who has supplied any information used in answering these interrogatories.

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, unprivileged information, they will be identified in answers to these interrogatories.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

The Dow Chemical Company is a corporation incorporated under the laws of Delaware. The corporate headquarters are located in Midland, Michigan. In Texas, CT Corporation Systems, Dallas, Texas, is authorized to accept service on behalf of The Dow

Chemical Company. The Dow Chemical Company, while incorporated in Michigan, held a Certificate of Authority to do business in the State of Texas from February 1939 until August 1947. The current Certificate of Authority was issued to The Dow Chemical Company, incorporated in Delaware, in July 1947.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to these objections, Dow has never mined, and thereafter, sold any of the mined asbestos, either in raw form or incorporated into another product. In 2001, a subsidiary of The Dow Chemical Company acquired stock in Union Carbide Corporation, which may have had interest in such entities.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the foregoing objections, The Dow Chemical Company 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. Based on 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.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the foregoing objections, The Dow Chemical Company 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. Based on 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.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.

- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefore.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos-containing product.

ANSWER:

See Objections and Responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to and without waiving the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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'

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is harassing and the information sought by plaintiff could contain confidential medical information concerning employees of Dow or information protected by the physician patient privilege. Dow further objects to this request to the extent that it seeks disclosure of trade secrets, proprietary material and other confidential information protected from discovery under Texas law.

Subject to the foregoing objections, Defendant states this interrogatory is not applicable.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the aforementioned objections, Defendant states this interrogatory is inapplicable.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory because it is harassing and the information sought by plaintiff could contain confidential medical information concerning employees of Dow or information protected by the physician patient privilege.

Subject to the foregoing objections, Defendant states this interrogatory is not applicable. In regard to the Deraspan® panels, Defendant did not conduct any tests to determine any health effects from the optional asbestos cement facing.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states this request is inapplicable. Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states this request is inapplicable.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packing or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.

- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states this interrogatory is inapplicable. In regard to the Deraspan® panels, Defendant did not include any specific warnings regarding the asbestos contained in the optional cement facing.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Further, this interrogatory seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated

to lead to the discovery of admissible evidence. Information regarding thousands of employees and individuals who have absolutely no connection to this lawsuit is irrelevant.

Defendant further 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.

Subject to the foregoing objections, Defendant states that prior to 1970, Dow did not have notice of anyone claiming injury from the Deraspan® panel with the optional asbestos cement facing.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the product in question.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states that the Deraspan® panels with the optional asbestos cement facing were not sold by another company.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, please see Defendant's objections and responses to Interrogatory No. 4.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. See *Housing Authority of the City of El Paso v. Rodriguez-Yepes*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to these objections, Dow asserts that for many years it has had a Medical Department and an Industrial Hygiene program in existence, both at the corporate and facility-specific level. Dow started an Industrial Hygiene Department at the Midland, Michigan facility in the late 1940's, which served as a corporate-wide department until the implementation of facility-specific departments. Further responding, Harold Hoyle served as an Industrial Hygienist for Dow during the Time Period at Issue; however, prior to him taking that position, individuals in the company had been performing some of those duties. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 16) A formal Industrial Hygiene Department was also staffed and maintained at the Dow facility in Brazoria County, Texas sometime in the mid 1950's. Dow's Medical Department was established in Freeport in 1943. Moreover, each facility, including the Brazoria County facility, staffed and maintained a Medical Department to serve its employees and contractors. (See Deposition of Dr. Benjamin Holder, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 16, 1999); Deposition of Dr. Raymond Flake, M.D., taken in *Carol J. Wortham v. A. C. and S.*, No. 12344-JG00, in the District Court of Brazoria County, Texas, 239th Judicial District Court on May 7, 2002.

Also subject to the foregoing objections, See Exhibit "A" attached.

INTERROGATORY NO. 19:

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, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow 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.

Subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization of association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.

- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
1. A description of the publications, including the date.
 2. The current location of such publications.
 3. The custodian of such publications.
 4. The method or manner in which such publications are maintained.

ANSWER:

Dow objects to this interrogatory as overly-broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Further, this information is not reasonably calculated to lead to admissible evidence.

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) National Safety Counsel - Yes
- c) American Industrial Hygiene Association - Yes
- d) Industrial Medicine Association - No
- e) Industrial Hygiene Foundation (of America) - Yes
- f) Chemical Manufacturers Association - Yes
- g) Texas Chemical Counsel - Yes

Furthermore, see the Deposition of Harold Hoyle, taken in *Della Baker, et al v. Celotex Corporation*, Cause No. E-137,587 in the 172nd Judicial District Court of Jefferson County, Texas February 18, 19, 20, 1991, page 203, line 23 to page 205, line 15; page 206, line 16 to page 208, line 17; page 209, line 4 to page 211, line 5; page 212, lines 3-14; page 215, line 19 to page 216, line 5; page 299, line 12 to page 300, line 9; and page 470, line 5 to page 471, line 25.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility on which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad, and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states that all Deraspan® panels were assembled at a plant located in Cape Girardeau, Missouri.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, see Defendant's objections and responses to Interrogatory No. 4. In addition, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states that they did not prepare any instructions on how to maintain the optional asbestos facing on the Deraspan® panels.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by Texas Rules of Civil Procedure 194.

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

INTERROGATORY NO. 25:

As to the disease asbestos, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory to the extent it calls for a medical opinion, and is also vague as it fails to 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 also 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 these objections, Dow asserts it is unable to pinpoint a precise date on which it, as a corporate entity, affirmatively knew of an association between asbestos exposure and disease as medical and scientific literature regarding asbestos related disease developed gradually over time. Further, it is impossible to comprehend the specific knowledge held by individual employees many years ago.

Further responding, Dow asserts that by the late 1940's, the scientific and medical literature showed that extensive, high-level exposure to asbestos fibers of sufficient duration and intensity had resulted in asbestos-related conditions and asbestosis in some individuals such as asbestos miners and other asbestos workers. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 272) Further responding, the alleged link between extensive exposure to asbestos fibers of sufficient duration and intensity and lung cancer or mesothelioma was questionable and not clearly supported in the scientific and medical literature up to and until the late 1960's to early 1970's. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco*

Insulations, Inc., et al., No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, pp. 61, 88 and 92) Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960's to early 1970's, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory to the extent it calls for a medical opinion, and is also vague as it fails to 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 also 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 these objections, Dow asserts it is unable to pinpoint a precise date on which it, as a corporate entity, affirmatively knew of an association between asbestos exposure and disease as medical and scientific literature regarding asbestos related disease

developed gradually over time. Further, it is impossible to comprehend the specific knowledge held by individual employees many years ago.

Further responding, Dow asserts that by the late 1940's, the scientific and medical literature showed that extensive, high-level exposure to asbestos fibers of sufficient duration and intensity had resulted in asbestos-related conditions and asbestosis in some individuals such as asbestos miners and other asbestos workers. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 272) Further responding, the alleged link between extensive exposure to asbestos fibers of sufficient duration and intensity and lung cancer or mesothelioma was questionable and not clearly supported in the scientific and medical literature up to and until the late 1960's to early 1970's. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, pp. 61, 88 and 92) Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960's to early 1970's, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory to the extent it calls for a medical opinion, and is also vague as it fails to

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 also 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 these objections, Dow asserts it is unable to pinpoint a precise date on which it, as a corporate entity, affirmatively knew of an association between asbestos exposure and disease as medical and scientific literature regarding asbestos related disease developed gradually over time. Further, it is impossible to comprehend the specific knowledge held by individual employees many years ago.

Further responding, Dow asserts that by the late 1940's, the scientific and medical literature showed that extensive, high-level exposure to asbestos fibers of sufficient duration and intensity had resulted in asbestos-related conditions and asbestosis in some individuals such as asbestos miners and other asbestos workers. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 272) Further responding, the alleged link between extensive exposure to asbestos fibers of sufficient duration and intensity and lung cancer or mesothelioma was questionable and not clearly supported in the scientific and medical literature up to and until the late 1960's to early 1970's. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, pp. 61, 88 and 92) Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960's to early 1970's, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory to the extent it calls for a medical opinion, and is also vague as it fails to 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 also 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 these objections, Dow asserts it is unable to pinpoint a precise date on which it, as a corporate entity, affirmatively knew of an association between asbestos exposure and disease as medical and scientific literature regarding asbestos related disease developed gradually over time. Further, it is impossible to comprehend the specific knowledge held by individual employees many years ago.

Further responding, Dow asserts that by the late 1940's, the scientific and medical literature showed that extensive, high-level exposure to asbestos fibers of sufficient duration and intensity had resulted in asbestos-related conditions and asbestosis in some individuals such as asbestos miners and other asbestos workers. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 272) Further responding, the alleged link between extensive exposure to asbestos fibers of sufficient duration and intensity and lung cancer or mesothelioma was questionable and not clearly supported in the scientific and medical literature up to and until the late 1960's to early 1970's. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, pp. 61, 88 and 92) Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960's to early 1970's, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER:

Dow objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this interrogatory to the extent it calls for a medical opinion, and is also vague as it fails to 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 also 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 these objections, Dow asserts it is unable to pinpoint a precise date on which it, as a corporate entity, affirmatively knew of an association between asbestos exposure and disease as medical and scientific literature regarding asbestos related disease developed gradually over time. Further, it is impossible to comprehend the specific knowledge held by individual employees many years ago.

Further responding, Dow asserts that by the late 1940's, the scientific and medical literature showed that extensive, high-level exposure to asbestos fibers of sufficient

duration and intensity had resulted in asbestos-related conditions and asbestosis in some individuals such as asbestos miners and other asbestos workers. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 272) Further responding, the alleged link between extensive exposure to asbestos fibers of sufficient duration and intensity and lung cancer or mesothelioma was questionable and not clearly supported in the scientific and medical literature up to and until the late 1960's to early 1970's. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, pp. 61, 88 and 92) Dow was not aware of the association between exposures to asbestos and mesothelioma until the late 1960's to early 1970's, and at that time was only aware of such an association in heavily exposed asbestos workers.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, is inapplicable. Dow states that it has never manufactured, assembled, or sold any asbestos-containing products, other than the minor exception of Deraspan®. See Dow's Objections and Responses to Interrogatory No. 4.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant states this interrogatory is inapplicable because they never packaged asbestos materials. See Objections and Responses to Interrogatories No. 4 and 5.

In addition, subject to and without waiving the objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER:

See Objections and Responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material and other confidential information protected from discovery under Texas law. Defendant further objects because the interrogatory 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.

See Objections and Responses to Interrogatories No. 4 and 5.

In addition, subject to the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material and other confidential information protected from discovery under Texas law. Defendant further objects because the interrogatory 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 this interrogatory is inapplicable.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Further, this interrogatory seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Information regarding thousands of employees and individuals who have absolutely no connection to this lawsuit is irrelevant.

Defendant further 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. *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. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.

- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects because the interrogatory 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 and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.

- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material and other confidential information protected from discovery under Texas law.

See Responses and Objections to Interrogatories No. 4 and 5.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). 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 and without waiving this objection, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yopez*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996). Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material, and other confidential information protected from discovery under Texas law. In addition, Dow objects to this interrogatory as duplicative and harassing as to calls for the same information required by TRCP 194.

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 may testify concerning the uses of asbestos in certain areas on the premises of The Dow Chemical Company in Freeport, Texas as it relates to maintenance activities in those areas. He may also provide information regarding Dow's safety practices and policies in general, as well as in relation to the uses and handling of asbestos-containing materials. Mr. Crouch may also testify to the practices adopted by Dow in relation to information received regarding alleged harmful effects of extreme exposure to asbestos. Mr. Crouch may also provide information regarding contractor and union relations in certain areas at Dow-Freeport, as well as the control that contractor employers maintained over contractor employees working at Dow.

- (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.

- (14) **Bob Abrahams**
1201 Main Street, Suite 2020
Houston, TX 77002
(713) 527-0379

Mr. Abrahams is a former employee of B & B Engineering who will testify concerning wages paid to employees including, but not limited to manner of payment and withholding of FICA taxes.

- (15) **Melvin P. Proctor**
7515 Rockhill
Houston, TX 77061
713-643-1309

Former employee of Thorpe Insulation and knowledgeable about their practices and history.

- (16) **Richard Nowland**
Tom Hopkins
6833 Kirbyville Street
Houston, TX 77033
713-644-1247

Mr. Nowland and/or Mr. Hopkins will testify concerning the records of J. T. Thorpe of Texas and the fact that employees were

paid by check and that FICA wages were reported to the federal government as required by law.

- (17) **Mr. Don Fillmore**
Dow Center
Records Center
Midland, MI 48674
517-636-9431

Mr. Fillmore is the records custodian for The Dow Chemical Company and will testify to facts that will prove up Dow documents as business records.

- (18) **Dr. Raymond Flake**
Can be reached through counsel for Defendant

Dr. Flake is a former medical doctor for The Dow Chemical Company in Freeport, Texas. He may testify concerning the organization and the history of the medical department and health monitoring programs at Freeport. Dr. Flake may also give testimony regarding the types of medical testing, purpose for such testing, method for handling results, and reasons such tests were performed. He may also provide testimony regarding how those patients who were evaluated were informed of the results of medical examinations and the manner in which Dow was informed of those results. In addition, he may testify about the how the Dow medical department was arranged and the communication between the corporate and local levels, as well as between local facilities. Dr. Flake may also provide testimony regarding what and when he learned information regarding asbestos.

See also Dow's Responses to Requests for Disclosures. 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. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

A. Full and correct name:

- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the foregoing objections, The Dow Chemical Company subsidiary acquired stock in Union Carbide Corporation in 2001. Union Carbide Corporation is a products defendant in this litigation. As such, Plaintiffs are already in possession of this information by way of the discovery responses of Union Carbide Corporation.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

See Objections and Responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the above objections, Deraspan® was not intended to be used by any of the forementioned workers. The asbestos facing was applied to the panel prior to shipment.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distribute, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER:

See Objections and Responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. See *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant did not foresee the removal of the optional asbestos facing off the Deraspan® panel.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the foregoing objections, Defendant did not send any inspectors to determine dust counts at any locations which had the asbestos facing on the Deraspan® panels installed.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

See Objections and Responses to Interrogatory No. 45. Defendant states this interrogatory is inapplicable.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the foregoing, Defendant did not conduct any studies to minimize or eliminate asbestos dust for those purchasers of Deraspan® panels with the optional asbestos facing.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Further, Defendant objects to this interrogatory as unlikely to lead to the discovery of admissible information. In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the foregoing objections, Defendant states that it has no corporate structure concerning the subject of research and development of asbestos-containing products.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;

- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

Defendant objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. See *Housing Authority of the City of El Paso v. Rodriguez-Yepes*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to these objections, Dow asserts that for many years it has had a Medical Department and an Industrial Hygiene program in existence, both at the corporate and facility-specific level. Dow started an Industrial Hygiene Department at the Midland, Michigan facility in the late 1940's, which served as a corporate-wide department until the implementation of facility-specific departments. Further responding, Harold Hoyle served as an Industrial Hygienist for Dow during the Time Period at Issue; however, prior to him taking that position, individuals in the company had been performing some of those duties. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 16) A formal Industrial Hygiene Department was also staffed and maintained at the Dow facility in Brazoria County, Texas sometime in the mid 1950's. Dow's Medical Department was established in Freeport in 1943. Moreover, each facility, including the Brazoria County facility, staffed and maintained a Medical Department to serve its employees and contractors. (See Deposition of Dr. Benjamin Holder, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 16, 1999, Deposition of Dr. Raymond Flake, M.D., taken in *Carol J. Wortham v. A. C. and S.*, No. 12344-JG00, in the District Court of Brazoria County, Texas, 239th Judicial District Court on May 7, 2002)

Also subject to the foregoing objections, See Exhibit "A" attached.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that it did not produce any asbestos containing products. However, in regard to Deraspan®, Defendant states it did not place any asbestos warning labels on the Deraspan® panels with the optional asbestos facing.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that this request is inapplicable. See Dow's Responses and Objections to Interrogatories No. 4 and 5.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a

subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that this request is inapplicable. See Dow's Responses and Objections to Interrogatories No. 4 and 5.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose of the recall.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that it did not produce any asbestos containing products. In regard to the Deraspan®, Defendant states that it did not recall any of the Deraspan® panels purchased with the optional asbestos cement facing. See Objections and Responses to Interrogatories No. 4 and 5.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition,

Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that it did not produce any asbestos containing products. In regard to the Deraspan® panels, the customer decided on the optional facings to be applied, only one of which contained asbestos.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states this interrogatory is inapplicable. See objections and responses to Interrogatories No. 52 and 54.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

Dow objects to this Interrogatory as it is vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 999 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant also objects to this Interrogatory 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, Dow 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 these objections, Dow asserts that for many years it has had an Industrial Hygiene program in existence, both at the corporate and facility-specific level. Dow started an Industrial Hygiene Department at the Midland, Michigan facility in the late 1940's, which served as a corporate-wide department until the implementation of facility-specific departments.

Further responding subject to objections, Harold Hoyle served as an Industrial Hygienist for Dow beginning in the late 1940's; however, prior to him taking that position, individuals in the company had been performing some of those duties. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999, p. 16) A formal Industrial Hygiene Department was staffed and maintained at the Dow facility in Brazoria County, Texas sometime in the mid 1950's. Further answering subject to the foregoing objections, see Exhibit "A," which is attached.

Subject to and without waiving this objection, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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 Plaintiff's Counsel to inspect those documents upon reasonable notice. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

Dow objects to this Interrogatory as vague, ambiguous, overly broad, and unduly burdensome. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant also objects to this Interrogatory 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, 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 adopted those standards. Generally, the individual who would be responsible for receiving such information was Harold Hoyle, the Corporate Head of Industrial Hygiene.

Subject to and without waiving this objection, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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 Plaintiff's Counsel to inspect those documents upon reasonable notice. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad, and unduly burdensome. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects because the interrogatory 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. Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material and other confidential information protected from discovery under Texas law. Further responding, Defendant objects to this interrogatory to the extent that it may require the production of attorney work product and attorney-client privileged documents.

Subject to and without waiving the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made 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 your asbestos-containing products.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to the above objections, Defendant states that it did not produce any asbestos containing products. In regard to the Deraspan® panels with the optional asbestos cement facing, the Defendant did not conduct any tests regarding asbestos exposure for those working around the small number of panels sold.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yeppez*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

- (b) The subject matter on which the expert is expected to testify;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information

required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yepes*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yepes*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yepes*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yeppez*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194. Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. *See Housing Authority of the City of El Paso v. Rodriguez-Yeppez*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996).

Subject to the foregoing objections, see Defendants Responses to Requests for Disclosure and Expert Designations.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) each of Defendant's defenses enumerated in defendant's last filed Answer in each of these cases.

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 individual lawsuits. See *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Dow further objects to this Interrogatory to the extent it places an unwarranted burden on Dow to detail all relevant knowledge and opinions of each potential witness, which is prohibited under the TRCP. See *Housing Authority of the City of El Paso v. Rodriguez-Yeppez*, 828 S.W.2d 499 (Tex. Ct. App. – El Paso, 1992); *Tjernagel v. Robert*, 928 S.W. 297 (Tex. Ct. App. – Amarillo, 1996). Dow further objects to this Interrogatory because it seeks disclosure of trade secrets, proprietary material, and other confidential information protected from discovery under Texas law. In addition, Dow objects to this interrogatory as duplicative and harassing as to calls for the same information required by TRCP 194.

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

FACT WITNESSES

- (1) All plaintiffs named in the individual lawsuits.
- (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 may testify concerning the uses of asbestos in certain areas on the premises of The Dow Chemical Company in Freeport, Texas as it relates to maintenance activities in those areas. He may also provide information regarding Dow's safety practices and policies in general, as well as in relation to the uses and handling of asbestos-containing materials. Mr. Crouch may also testify to the practices adopted by Dow in relation to information received regarding alleged harmful effects of extreme exposure to asbestos. Mr. Crouch may also provide information regarding contractor and union relations in certain areas at Dow-Freeport, as well as the control that contractor employers maintained over contractor employees working at Dow.

- (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.

- (14) **Bob Abrahams**
1201 Main Street, Suite 2020
Houston, TX 77002
(713) 527-0379

Mr. Abrahams is a former employee of B & B Engineering who will testify concerning wages paid to employees including, but not limited to manner of payment and withholding of FICA taxes.

- (15) **Melvin P. Proctor**
7515 Rockhill
Houston, TX 77061
713-643-1309

Former employee of Thorpe Insulation and knowledgeable about their practices and history.

- (16) **Richard Nowland**
Tom Hopkins
6833 Kirbyville Street
Houston, TX 77033
713-644-1247

Mr. Nowland and/or Mr. Hopkins will testify concerning the records of J. T. Thorpe of Texas and the fact that employees were

paid by check and that FICA wages were reported to the federal government as required by law.

- (17) **Mr. Don Fillmore**
Dow Center
Records Center
Midland, MI 48674
517-636-9431

Mr. Fillmore is the records custodian for The Dow Chemical Company and will testify to facts that will prove up Dow documents as business records.

- (18) **Dr. Raymond Flake**
Can be reached through counsel for Defendant

Dr. Flake is a former medical doctor for The Dow Chemical Company in Freeport, Texas. He may testify concerning the organization and the history of the medical department and health monitoring programs at Freeport. Dr. Flake may also give testimony regarding the types of medical testing, purpose for such testing, method for handling results, and reasons such tests were performed. He may also provide testimony regarding how those patients who were evaluated were informed of the results of medical examinations and the manner in which Dow was informed of those results. In addition, he may testify about the how the Dow medical department was arranged and the communication between the corporate and local levels, as well as between local facilities. Dr. Flake may also provide testimony regarding what and when he learned information regarding asbestos.

See also Dow's Responses to Requests for Disclosure and Expert Designations. 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. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory as harassing and duplicative of information required by TRCP 194.

Subject to the foregoing objections, see Defendant's Exhibit List and/or Deposition Designations filed, or to be filed, in the In Re: Dallas Asbestos matter or the individual lawsuits, along with any amendments or supplements thereto.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessor-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- A. Identify the name and position of the employee or officer who received same;
- B. please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- C. please produce all documents upon which your responses above are based;
- D. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- E. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(A) above;
- G. if your answer to 63(E) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(E) above?

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a

subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to and without waiving the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- A. Identify the name and position of the employee or officer who received same;
- B. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- C. please produce all documents upon which your responses above are based;
- D. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- E. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory 63(A) above;
- G. if your answer to 63(E) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(E) above?

ANSWER:

Defendant objects to this request as vague, ambiguous, overly broad and unduly burdensome. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). In addition, Defendant objects to this interrogatory to the extent it requests information relating to a

subsidiary and/or business association that was not a subsidiary and/or business association during the relevant time period and that continues to exist as a separate legal entity(ies).

Subject to the above objections, Defendant states that a copy of the above reference report was date stamped October 5, 1938 as being received in the Dow Laboratory. Defendant also 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. Generally, the individual who would be responsible for receiving such information was Harold Hoyle, the Corporate Head of Industrial Hygiene. (See Deposition of Harold Hoyle, taken in *Hebert, Sr., et al. v. Anco Insulations, Inc., et al.*, No. 51,180 in the 18th Judicial District Court, Parish of Iberville, Louisiana, on September 14, 1999)

In addition, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: -

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, and unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to and without waiving the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

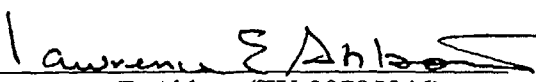
RESPONSE:

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 In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *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(s) allegedly was exposed to asbestos containing products. 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 and without waiving the foregoing objections, Defendant has created a document depository in which it has placed historical documents from the company and documents obtained from third parties 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. Discovery is continuing and Dow will supplement this response in the future should it find relevant, unprivileged information.

Respectfully submitted,

ABBOTT, SIMSES & KUCHLER

By: 
Lawrence E. Abbott (TX 00795846)
ABBOTT, SIMSES & KUCHLER
400 Lafayette Street, Suite 200
New Orleans, Louisiana 70130
Phone: (504) 568-9393
Facsimile: (504) 524-1933

**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 23rd day of July 2002, pursuant to the Texas Rules of Civil Procedure.

188h5

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
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

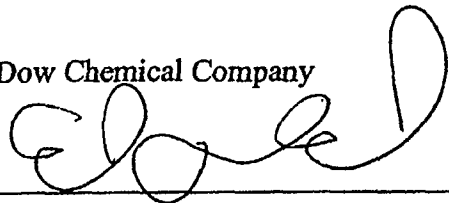
G D Dow-Asbestos DALLAS COUNTY CASES General INTERROGATORIES.doc

VERIFICATION

I, JACK S. INGOLD, being duly sworn, state that I am Senior Counsel in the Special Litigation Section of The Dow Chemical Company and am authorized to make this verification for and on behalf of The Dow Chemical Company. I read THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION, dated 7/16/2002, filed in the consolidated action: *IN RE ALL ASBESTOS-RELATED PERSONAL INJURY AND DEATH CASES FILED BY BARON & BUDD, P.C., OR TO BE FILED BY BARON & BUDD, P.C. IN DALLAS COUNTY, TEXAS* and am familiar with the contents of that document. THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION was prepared with the assistance and advice of employees of, and counsel for, The Dow Chemical Company, upon whose assistance and advice I relied. THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION, subject to inadvertent or undiscovered error, is based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION.

Subject to these limitations, THE DOW CHEMICAL COMPANY'S OBJECTIONS
AND RESPONSES TO PLAINTIFF'S MASTER INTERROGATORIES AND
REQUESTS FOR PRODUCTION is true to the best of my knowledge, information
and belief.

The Dow Chemical Company

By: 

JACK S. INGOLD

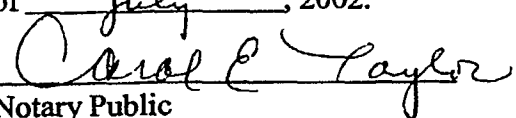
Senior Counsel

Special Litigation Section

Subscribed and sworn to me

this 16th day

of July, 2002.


Notary Public

Carol E. Taylor
Notary Public, Saginaw County, Michigan
My Commission Expires September 29, 2005

IN RE ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH
CASES FILED BY BARON & BUDD,
P.C., OR TO BE FILED BY BARON
& BUDD, P.C. IN DALLAS
COUNTY, TEXAS

§
§
§
§
§
§

IN THE CIVIL DISTRICT COURTS OF

DALLAS COUNTY, TEXAS

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, The Dow Chemical Company certifies under the Texas Rules of Civil Procedure that the following document(s) have been served on plaintiff on July 23, 2002:

- The Dow Chemical Company's Objections and Responses to Plaintiffs' Master Interrogatories and Requests for Production**

Respectfully submitted,

ABBOTT, SIMSES & KUCHLER

By: LE Abbott

Lawrence E. Abbott (TX 00795846)

ABBOTT, SIMSES & KUCHLER

400 Lafayette Street, Suite 200

New Orleans, Louisiana 70130

Phone: (504) 568-9393

Facsimile: (504) 524-1933

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

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing document was furnished to all known counsel of record on this the 23rd day of July 2002, pursuant to the Texas Rules of Civil Procedure.

LE Abbott
LAWRENCE E. ABBOTT