PLAINTIFF'S EXHIBIT

SWB-341

CAUSE NO. 96-3062

BRUCE D. DAVIS and JAMES R. DAVIS, Individually and as Personal Representative of the Heirs and Estate of FRANKIE GENE DAVIS, Deceased	§	IN THE COUNTY COURT
Plaintiffs,	§	AT LAW NUMBER 3
vs.	§	
OWENS-CORNING FIBERGLAS CORPORATION; et al.,	§	
Defendants.	§	EL PASO COUNTY, TEXAS

DEFENDANT SOUTHWESTERN BELL TELEPHONE CO.'S AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST REQUESTS FOR ADMISSIONS AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

To: Plaintiffs, by and through their attorneys of record, Mr. Russell Budd, Ms. Holly Huart and Ms. Stephanie Finch of Baron & Budd, P.C., 3102 Oak Lawn, Suite 1100, Dallas, TX 75219.

GENERAL OBJECTION

Southwestern Bell Telephone Company ("SWBT") objects to every one of Plaintiffs' Requests for Admission and Requests for Production as argumentative and harassing. These requests are specifically designed to create a false implication of wrong-doing. As such, all of Plaintiffs' discovery requests are argumentative, misleading, vague, overly broad, compound, harassing, and assume facts not in evidence. Subject to these objections, SWBT responds more specifically as follows:

REQUEST FOR ADMISSION NO. 1:

Admit that the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed exceeded five fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, harassing and assuming facts not in evidence. There is no generally- recognized industrial hygiene concept known as a "3 hour time weighted average." Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading and harassing. There is no generally- recognized industrial hygiene concept known as a "3 hour time weighted average." Subject to the foregoing objections, see documents already produced to plaintiffs in this case.

REQUEST FOR ADMISSION NO. 2:

Admit that you did not measure the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed while in your employ.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. SWBT is unaware of a generally-recognized industrial hygiene concept called a "3 hour time weighted average." As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure

representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to the foregoing objections, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 3:

Admit that the 3-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. SWBT is unaware of a generally-recognized industrial hygiene concept called a "3 hour time weighted average." As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in

recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to the foregoing objections, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 4:

Admit that you did not measure the 8-hour time-weighted average airborne concentrations of asbestos fibers to which Plaintiff was exposed while in your employ.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers'

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homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to the foregoing objections, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 5:

Admit that while in your employ, Plaintiff was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

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REQUEST FOR ADMISSION NO. 6:

Admit that you did not measure airborne concentrations of asbestos fibers in Plaintiff's work area to determine whether Plaintiff was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air while in your employ.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

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REQUEST FOR ADMISSION NO. 7:

Admit that you did not employ the following engineering control in Plaintiff's place of employment: isolation.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied. However, Plaintiff was isolated in telephone equipment areas of offices and facilities where he was installing or repairing phone lines.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not employ the following engineering control in Plaintiffs place of employment: enclosure.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and

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assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not employ the following engineering control in Plaintiffs place of employment: exhaust ventilation.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

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REQUEST FOR ADMISSION NO. 10:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: coveralls or similar whole body clothing.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 11:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: head coverings.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

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REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 12:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: gloves.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

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REQUEST FOR ADMISSION NO. 13:

Admit that you did not provide and require the use of the following special clothing by Plaintiff: foot coverings.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not undertake the laundering of Plaintiffs work clothing worn during your employ.

RESPONSE: SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. Subject to this qualification, admitted.

REQUEST FOR PRODUCTION NO. 14:

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

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RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not make determinations of airborne concentrations of asbestos-fibers in Plaintiffs place of employment by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not monitor every place of employment of Plaintiff where asbestos fibers were released in such a way as to determine whether Plaintiffs exposure to asbestos fibers was below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and

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therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not collect samples from within the breathing zone of the Plaintiff on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of

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homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees, including Plaintiff.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for

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the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder) at intervals of 6 months or less.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone

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company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not collect samples from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present

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and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Objection as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on any corporate documents, see documents already produced. Investigation continues and any additional relevant, responsive, non-privileged documents will be produced

REQUEST FOR ADMISSION NO. 21:

Admit that you did not collect samples (from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the Plaintiff.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and

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they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers' homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 22:

Admit that you did not collect samples (from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) at intervals equal to or less than 6 months.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers'

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homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 23:

Admit that you did not provide and display caution signs at each location where Plaintiff worked in which airborne concentrations of asbestos fibers may have exceeded of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs.

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SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 24:

Admit that you did not provide and display caution signs at each location where Plaintiff worked in which airborne concentrations of asbestos fibers may have exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 25:

Admit that you did not post caution signs at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague,

compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 26:

Admit that you did not post caution signs at all approaches to areas containing concentrations of airborne asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs.

SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not maintain records of any personal monitoring of the breathing zone of Plaintiff.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not maintain records of any decision you made to forego personal monitoring of the breathing zone of Plaintiff.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague,

compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 29:

Admit that you did not maintain records of any monitoring of every place of employment of Plaintiff where asbestos fibers are released in such a way as to determine whether every employees exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects to this Request as argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. As a telephone installer and repairman, Plaintiff visited hundreds of homes or offices to install or fix telephones. It is misleading to suggest that there was any reason for the telephone company to go to every home or office where one of its repairmen might work and conduct industrial hygiene tests for possible airborne concentrations of asbestos before a phone company employee could fix or install a phone there, without any indication from the owner that asbestos was even present. Premises owners had a duty to disclose when asbestos was present and/or to maintain aggregate airborne exposure levels below those mandated by state or federal regulations for the protection of their own employees. SWBT's parent, AT&T, did measure representative work operations to determine if they created excessive levels of airborne asbestos and they did not. At the appropriate time, SWBT had policies that provided employee training in recognition and avoidance of asbestos-containing materials. Those policies did not involve phone company repairman conducting professional industrial hygiene asbestos monitoring in customers'

homes and offices. Subject to these qualifications and objections, and based on the unfair and misleading way this request is phrased, it is denied.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not maintain records of any decision to forego monitoring of every place of employment of Plaintiff where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs.

SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not notify Plaintiff in writing that he had been exposed to airborne concentrations of asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air as soon as was practicable but not later than 5 days of the finding.

RESPONSE:

SWBT did not employ Frankie Davis until 1982. His last year of alleged occupational exposure to asbestos was 1978. Mountain States Bell employed him from 1956 - 1981, and therefore, any inquires regarding what actions were taken as to Frankie Davis before 1982 should be directed to Mountain States Bell. SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections, admitted.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to such written notifications.

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not provide to Plaintiff or make available to him at your cost, medical examinations relative to exposure to asbestos.

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections, admitted.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not provide or make available to Plaintiff, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease and pulmonary function tests to include forced vital capacity (FVC and forced expiratory volume at 1 second.

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 34:

Admit that you did not provide, or make available to Plaintiff, comprehensive medical examinations on at least an annual basis that included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit etiology of respiratory disease and pulmonary function tests to include forced vital capacity (FVC and forced expiratory volume at 1 second.

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 35:

Admit that you did not provide, or make available, within 30 calendar days before or after the termination of Plaintiffs employment, a comprehensive medical examination which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second ($FEV_{1.0}$).

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 36:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of all comprehensive medical examinations of Plaintiff which included, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC and forced expiratory volume at I second ($FEV_{1.0}$)

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records of the examinations.

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

REQUEST FOR ADMISSION NO. 37:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of your decision to forego providing or making available to Plaintiff comprehensive medical examinations of Plaintiff which included, as a minimum a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at I second ($FEV_{1.0}$)

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. Subject to these qualifications and objections and based on the unfair and misleading way this request is phrased, it is denied

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

SWBT objects that this Request is argumentative, vague, compound, unintelligible, misleading, overly broad, not limited in time or place, harassing and assuming facts not in evidence. To extent this denial is based on corporate documents, see documents already produced to plaintiffs. SWBT continues to investigate the claims made in this lawsuit and will produce additional responsive, non-privileged documents if and when any are located.

Respectfully submitted,

JENKENS & GILCHRIST,
a Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202
Telephone: (214)855-4500
Facsimile: (214)855-4300

By: _____
ROBERT E. THACKSTON
State Bar No. 0078587
R. ROBERT GARCIA
State Bar No. 00796602

ATTORNEYS FOR SOUTHWESTERN BELL TELEPHONE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to Plaintiffs' attorneys, Mr. Russell Budd, Ms. Holly Huart and Ms. Stephanie Finch of Baron & Budd, P.C., 3102 Oak Lawn, Suite 1100, Dallas, TX 75219, by Facsimile on this the 30th day of March, 2001.

_____
R. ROBERT GARCIA