

CAUSE NO. 98-07665-F

CHARLES ERNEST BAKER, ET AL

VS.

OWENS CORNING, ET AL

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

116TH JUDICIAL DISTRICT

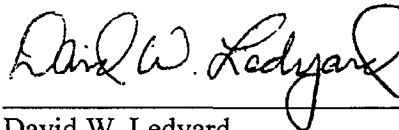
**EXXON CORPORATION'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
AND SECOND REQUEST FOR PRODUCTION**

TO: Plaintiff, Donald Joseph McLean, Sr., et al by and through their attorney of record,
Melissa K. Hutts, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas,
Texas 75219-4281.

COMES NOW, EXXON CORPORATION, one of the Defendants in the above styled cause,
and make and files its Objections and Responses to Plaintiff's First Request for Admissions and
Second Request for Production Propounded to Premises Defendant, Exxon Corporation.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.



David W. Ledyard
State Bar No. 12109400
Michael T. Bridwell
State Bar No. 02979600
14th Floor, San Jacinto Building
Beaumont, Texas 77701-3255
(409)981-1000
(409)981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
EXXON CORPORATION

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of Exxon Corporation's Objections and Response to Plaintiff's First Request for Admissions and Second Request For Production has been furnished to counsel for plaintiff, by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this 11th day of July, 2000



David W. Ledyard

B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the work product privilege in violation of Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are defined to include predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate defendant, any interrogatory or request for production utilizing these terms is so overly broad, and over burdensome as to make any request or interrogatory utilizing the term virtually impossible to answer. Further, to the extent the definition is defined to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, any interrogatory or request for production utilizing any of these terms is necessarily overly broad, over burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiff's apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control. Any interrogatory or request for production utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.
2. Defendant objects to Plaintiff's definition of the terms "document", "documents", "written materials", or "printed matter" as the definition of those terms renders any interrogatory or request for production utilizing any of these terms overly broad, over burdensome, harassing, and reduces any such interrogatory or request for production to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.
3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.

RESPONSE TO FIRST REQUEST FOR ADMISSIONS
AND SECOND REQUEST FOR PRODUCTION

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Subject to these objections, it is admitted that Defendant purchased certain asbestos-containing products at certain times and for use in certain locations.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises during the years of 1941 to 1967.

RESPONSE:

Defendant objects to this request as the term "utilized" is vague, ambiguous and subject to multiple interpretations in the context of this suit. Defendant further objects as this request is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Subject to these objections, it is admitted that Defendant utilized certain asbestos containing products at certain locations and at certain times.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Defendant objects to this request as it is overly broad and over burdensome and it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it is further overly broad in that it is not limited in scope to the time periods during which Plaintiff allegedly worked on Defendant's premises nor to the areas on Defendant's premises where Plaintiff allegedly worked.

Without waiving any of the foregoing, invoices and records that have been located will be made available at a reasonable time and location.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and the request therefore additionally calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant denies this request, as Plaintiff was not employee by this Defendant.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Defendant objects to this request for production as it is vague, ambiguous, overly broad, overly burdensome and it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in scope to the time period when Plaintiff allegedly worked on Defendant's premises, nor to the areas within Defendant's premises where Plaintiff allegedly worked. The term "agreement" is not defined and Defendant does not understand the last phrase "and in operation and maintenance plan", as such is vague and ambiguous.

Without waiving the foregoing, please see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

After reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years of 1941 to 1967, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE:

Defendant objects to this request as it is overly broad, overly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, to the specific years Plaintiff is alleged to have worked on Defendant's premises, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Subject to those objections, see invoices and records referred to in Request for Production No. 2, which will be made available at a reasonable time and location.

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years of 1941 to 1967, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE:

Defendant objects to this request as it is overly broad, over burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, to the specific years Plaintiff is alleged to have worked on Defendant's premises, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Without waiving any of the foregoing, invoices and records that have been located will be made available at a reasonable time and location.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

After reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR PRODUCTION NO. 9

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

After reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1941 to 1967 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Defendant objects to this request in that it is vague and ambiguous, the term "health hazard" is not defined and Defendant does not know which health hazard is being referred to at any particular period of time. Since health hazards often are dependent on the quantity of exposure, this request is vague and ambiguous because the quantity of exposures have not been defined.

Without waiving said objections, Defendant answers that it is impossible to know in an organization the size of this Defendant exactly what year it would have obtained this kind of information through the knowledge of its employees. As for as asbestosis is concerned, see generally the Bonsib report.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects that plaintiff has not sufficiently identified the periods of time or locations in question.

Without waiving the foregoing, Defendant admits that it was aware that certain asbestos-containing products were at certain locations during certain periods of time.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE:

Defendant objects to this request as overly broad, over burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to the time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked.

Without waiving the foregoing, Defendant has not located any relevant documents responsive to this request.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant objects to this request insofar as its not been sufficiently established when the Plaintiff was on Defendant's premises. Defendant objects that the request is not limited to the premises where plaintiff allegedly worked nor to the specific areas on any particular premises where plaintiff is alleged to have worked.

Without waiving the foregoing, this request is denied.

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Defendant objects to this request insofar as its not been sufficiently established when the Plaintiff was on Defendant's premises. Defendant objects that the request is not limited to the premises where plaintiff allegedly worked nor to the specific areas on any particular premises where plaintiff is alleged to have worked.

Subject to these objections, see those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA, and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Defendant objects to this request as it is argumentative as well as overly broad in that it is not limited to any applicable time period or location.

Without waiving the foregoing, this request is denied.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1941 to 1967 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Defendant objects to this request insofar as it assumes a duty to provide equipment to independent contractors who were retained to perform various activities as experts in the various fields in which they were retained and as independent contractors, agreed to take all reasonable precautions to protect their own employees. Defendant further objects to this request as overly broad in that it is not limited to the facility on which Plaintiff claims to have worked nor to the areas on the facility on which Plaintiff claims to have worked nor to the contractor or contractors for whom Plaintiff claims to have worked during the periods of time he allegedly worked at any Defendant's facility.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site..

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have

worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked.

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked.

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

Not applicable

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked.

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to

have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked.

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization".

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization".

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to

have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "using".

Without waiving the foregoing, based on reasonably inquiry, Defendant is unable to admit or deny this request as written as to every conceivable worksite.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 21:

Produce all documents reflecting payments made to contractors during the years of 1941 to 1967, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited to the facility at which Plaintiff claims to have worked nor to Plaintiff's employer. As such, this request is overly broad and overly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, invoices and records that have been located will be made available at a reasonable time and location.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "use".

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years of 1941 to 1967, Defendant had to power to control Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor

to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "control".

REQUEST FOR ADMISSION NO. 23:

Admit that, during the years of 1941 to 1967, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "manage" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "manage".

REQUEST FOR ADMISSION NO. 24:

Admit that, during the years of 1941 to 1967, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "direct" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "direct".

REQUEST FOR ADMISSION NO. 25:

Admit that, during the years of 1941 to 1967, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "superintend" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "superintend".

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years of 1941 to 1967, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "restrict" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were

retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "restrict".

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years of 1941 to 1967, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "regulate" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request call for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions

to protect the workmen, and Defendant anticipated that most, of not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "regulate".

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years of 1941 to 1967, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "govern" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, of not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "govern".

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years of 1941 to 1967, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "oversee" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "oversee".

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years of 1941 to 1967, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the terms "power" and "administer" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, of not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked.

Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "power" and "administer".

REQUEST FOR ADMISSION NO. 31:

Admit that during the years of 1941 to 1967, Defendant controlled Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "controlled" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "controlled".

REQUEST FOR ADMISSION NO. 32:

Admit that, during the years of 1941 to 1967, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "managed" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "managed".

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years of 1941 to 1967, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "directed" is vague, ambiguous, and overly broad, which renders this particular request unintelligible,

and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "directed".

REQUEST FOR ADMISSION NO. 34:

Admit that, during the year of 1941 to 1967, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "superintended" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each

independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, of not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "superintended".

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years of 1941 to 1967, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "restricted" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, of not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "restricted".

REQUEST FOR ADMISSION NO. 36:

Admit that, during the year[sic] of 1941 to 1967, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "regulated" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "regulated".

REQUEST FOR ADMISSION NO. 37:

Admit that, during the year of 1941 to 1967, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "governed" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery

of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "governed".

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years of 1941 to 1967, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "oversaw" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "oversaw".

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years of 1941 to 1967, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request for admission to the extent that the term "administered" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "administered".

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without

speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous and overly broad, which renders the particular question unintelligible and renders a response impossible without speculation as to the meaning of the terms. Further, Plaintiff has not identified any specific work sites or time period in which Plaintiff alleged to have worked on Defendant's premises and, therefore, this request is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work was performed by his employer, thereby making the phrase "manner in which Plaintiffs employer performed the work" vague, ambiguous, and overly broad, which renders this

particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous and overly broad, which renders the particular question unintelligible and renders a response impossible without speculation as to the meaning of the terms. Further, Plaintiff has not identified any specific work sites or time period in which Plaintiff alleged to have worked on Defendant's premises and, therefore, this request is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work he allegedly performed

on Defendant's premises, thereby making the phrase "do the work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, based on reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work Defendant requested his employer perform, thereby making the phrase "do the work requested" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen.

Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant objects to this request to the extent that many of the terms such as "entirely free" used therein are vague, ambiguous and overly broad, which renders the particular question unintelligible and renders a response impossible without speculation as to the meaning of the terms. Further, Plaintiff has not identified any specific work sites or time period in which Plaintiff alleged to have worked on Defendant's premises and, therefore, this request is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing gaskets were installed at certain locations and at certain times.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing pipe covering was installed at certain locations and at certain times.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing boilers were installed at certain locations and at certain times

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing fire proofing was installed at certain locations and at certain times

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing joint compound was installed at certain locations and at certain times

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Defendant objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked.

Without waiving the foregoing, it is admitted that asbestos containing insulation was installed at certain locations and at certain times

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on an Exxon premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any Exxon premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, this request includes terms used therein which are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the terms. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests. Defendant objects that the request is not limited in time or location.

Subject to these objections, see those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA., and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, i.e., EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for

admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrases "health and safety practices" and "implemented by contractors" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work was performed by his employer, thereby making the phrase phrases "health and safety practices" and "implemented by Plaintiff's employer" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on its premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that the term "protect" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing objection, Defendant denies this request

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Defendant does not yet have enough information to finalize its possible defenses, and is unable to respond at this time. Discovery is continuing. See generally those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA., and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos, which is subject to question. Defendant

further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

See those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA., and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report. In addition, see Plaintiff's medical records and Defendant's expert testimony.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. Defendant further objects to this request for admission to the extent that the term "reasonable care" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. Defendant further objects to this request for admission to the extent that the terms "unreasonable risk of harm" and "use" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Defendant further objects to this request for admission to the extent that the terms "unreasonable risk of harm" and "use" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term.

Subject to these objections, see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos [or that plaintiff has an asbestos related inquiry], which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring.

Without waiving the foregoing objection, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

See those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA., and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, *i.e.*, EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report. In addition, see Plaintiff's medical records and Defendant's expert testimony.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring; Plaintiff has not identified any specific work site or time periods in which he was worked on Defendant's premises and, therefore, Defendant is unable to respond at this time. Discovery is continuing.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. At this time, Defendant does not contend that Mr. McLean has an asbestos-related injury and discovery is continuing as to what asbestos exposures he may have had on other premises. Discovery is continuing.

Subject to these objections, see Plaintiff's testimony, work history, medical records and expert testimony.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Defendant does not yet have enough information to finalize its contentions. Discovery is continuing.

Subject to these objections, see Plaintiff's medical records and expert testimony. .

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring; Plaintiff has not identified any specific work site or time periods in which he was worked on Defendant's premises and, therefore, Defendant is unable to respond at this time. Discovery is continuing.

Subject to these objections, see those corporate documents produced by Defendant in the case of *Morris Emery, et al vs. OCF, et al*, No. 57,137, Ascension Parish, LA., and particularly see correspondence from Hans Siegel to R.O. Dockins, C.H. Friedmann, M.C. Harrison, T.R. Huddle, L.W. Raymond, dated February 23, 1995 and attachments thereto, i.e., EM001425-EM001572; These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards Before OSHA," a/k/a, Corporate Report.

REQUEST FOR PRODUCTION NO. 60:

Produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 61:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Defendant will make available relevant and material documents at a reasonable time and location.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Without waiving the foregoing objection, based on reasonable inquiry, Defendant is unable to admit or deny this request for the reason that at this time.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff worked.

Without waiving these objections, Defendant states there is still asbestos in place in certain products in certain locations under certain circumstances, none of which result in employee exposure.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures.

Without waiving these objections, Defendant states there is still asbestos in place in certain products in certain locations under certain circumstances, none of which result in employee exposure.