

NO. 96-4855-A

MANUEL RUIZ; RAFAEL RODRIGUEZ, JR.; and RENE ROLANDO RUIZ	§	IN THE DISTRICT COURT OF
	§	
VS.	§	NUECES COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS CORPORATION), ET AL.	§	28TH JUDICIAL DISTRICT
	§	

DEFENDANT RME PETROLEUM COMPANY, F/K/A
UNION PACIFIC RESOURCES COMPANY F/K/A
CHAMPLIN PETROLEUM COMPANY, INDIVIDUALLY
AND AS SUCCESSOR BY MERGER TO PONTIAC REFINING CORPORATION'S
SUPPLEMENTAL RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR PRODUCTION AND
FIRST REQUEST FOR ADMISSIONS

TO: PLAINTIFF RENE ROLANDO RUIZ, by and through his attorneys of record, Ms. Holly J.W. Huart and Ms. Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW DEFENDANT RME PETROLEUM COMPANY, f/k/a Union Pacific Resources Company, f/k/a Champlin Petroleum Company, Individually and as Successor by Merger to Pontiac Refining Corporation and, pursuant to the Texas Rules of Civil Procedure, serves this its Supplemental Responses to Plaintiff's First Request for Production and First Request for Admissions.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

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RME PETROLEUM COMPANY, F/K/A

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CHAMPLIN PETROLEUM COMPANY,

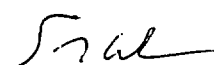
INDIVIDUALLY AND AS SUCCESSOR BY

MERGER TO PONTIAC REFINING

CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this 20th day of July, 2001.



CRAIG S. WOLCOTT

PRELIMINARY STATEMENT OF RME PETROLEUM COMPANY

RME Petroleum Company, a Delaware Corporation, formerly known as Union Pacific Resources Company, was recently acquired and became a subsidiary of Anadarko Petroleum Corporation. It previously was an independent corporation, and before that a subsidiary of Union Pacific Corporation. A predecessor of Union Pacific Corporation purchased the stock of Champlin Petroleum Company and the former Pontiac Refinery from Celanese Corporation of America in 1969. Champlin Petroleum Company's name was changed to *Union Pacific Resources Company* in 1987. Also, effective January 1, 1987, 50% interest in the Corpus Christi refinery was sold to a subsidiary of PDVSA, the National Oil Company of Venezuela. A general partnership was established known as the Champlin Refining Company partnership operating the Corpus Christi refinery on behalf of the 50% interest held by a subsidiary of PDVSA and 50% interest held by Champlin Refining Inc., a wholly owned subsidiary of Champlin Petroleum Company (now known as Union Pacific Resources Company). Effective January 1, 1989, Champlin Refining, Inc. had sold its remaining 50% interest in Champlin Refining Company to a subsidiary of PDVSA which was subsequently merged by PDVSA into PDVSA's CITGO Petroleum Company.

Following the sale of its interest in the Corpus Christi Refinery, (formerly known as the Pontiac Refinery), Champlin Petroleum Company, later known as Union Pacific Resources Company, and now known as RME Petroleum Company, retained no records or documents relating to the operation of that refinery. All such documentation remained in the possession of the current owner and operator of that refinery.

**PLAINTIFF'S REQUESTS FOR PRODUCTION,
AND REQUESTS FOR ADMISSIONS**

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 between the years 1960 to 1984.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the matters the basis of this suit, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Plaintiff has failed to identify the time and/or places wherein he allegedly worked on Defendant's premises, and therefore Defendant is without sufficient information to admit or deny; accordingly, this request is denied. Asbestos-containing products were used and/or otherwise acquired by the Corpus Christi Refinery.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, nor limited to the matters made the basis of this suit, specifically alleged exposure to asbestos fibers, and therefore seeks documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: See documents produced by Defendant in Cause No. 96-03172-A; *Ramon T. Cedillo, et al v. Owens-Corning Fiberglas Corporation, et al*; In the 28th Judicial District Court of Nueces County, Texas ("Cedillo case"). See also the Preliminary Statement of RME.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, and therefore irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant admits it was foreseeable to Plaintiff, Defendant and others in the refinery it could be removed, but Defendant is without knowledge or information that Plaintiff was ever working on Defendant's premises; accordingly, this request is denied.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request as excessive, overbroad, vague, not limited to the site where Plaintiff allegedly worked on Defendant's premises, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Admit.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 14:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION 15:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site made the basis of this suit, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request in that it assumes facts not in evidence, is excessive, overbroad, vague, not limited to the relevant time period nor to the relevant site, and therefore seeks information which is irrelevant and not reasonably calculated to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 18:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request in that it assumes facts not in evidence, is excessive, overbroad, vague, not limited to the relevant time period nor to the relevant site, and therefore seeks information which is irrelevant and not reasonably calculated to the discovery of admissible evidence. Subject thereto: Deny.

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.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny. See documents produced in the *Cedillo* case.

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 work sites where Plaintiff was present.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny. See documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 21:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to the relevant site, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny. See documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1960 and 1984 Defendant had the power to control Defendant's Premises.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors. See documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1960 to 1984, Defendant had the power to manage the use or condition of Defendant's Premises.

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the site relevant in this case, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Defendant denies that it retained control (i.e., contractual and/or actual) over the manner in which independent contractors and their employees (including Plaintiff) performed their work or that it controlled the details of the work to be performed by independent contractors. See documents produced in the *Cedillo* case.

REQUEST FOR ADMISSION NO. 44:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 45:

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

SUPPLEMENTAL RESPONSE:

Objection. Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 46:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 47:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 48:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 49:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR ADMISSION NO. 50:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is lacking in specificity, ambiguous, excessive, overbroad, vague, not limited to the relevant time period, not limited to the site relevant in this case, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny.

REQUEST FOR PRODUCTION NO. 54:

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, not limited to the relevant time, not limited to the relevant site, and therefore seeks production of documents irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See documents produced in the *Moake* and *Cedillo* cases.

REQUEST FOR PRODUCTION NO. 64:

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

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

SUPPLEMENTAL RESPONSE:

Objection: Defendant RME objects to this request on the grounds it is excessive, overbroad, vague, unduly burdensome, an unnecessary expense and harassment and annoyance of this party, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, this request does not seek specific identifiable documents and thus is an improper "fishing expedition." *Texaco v. Sanders* and *Loftin v. Martin*.

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.

SUPPLEMENTAL RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 59:

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

SUPPLEMENTAL RESPONSE:

Deny.