



CAUSE NO. 97-0844-E

JOSE J. CANO, SR. and MARIA CANO	§	IN THE DISTRICT COURT OF
	§	
VS.	§	NUECES COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLASS	§	
CORPORATION, ET AL	§	148 TH JUDICIAL DISTRICT

**SUNOCO, INC. (R&M)'S RESPONSES AND OBJECTIONS
TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
AND SECOND SET OF REQUESTS FOR PRODUCTION**

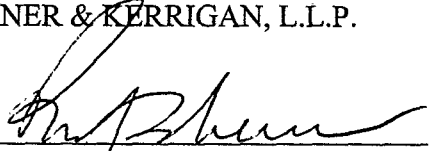
TO: Plaintiff, Jose J. Cano, Jr., Individually and as Personal Representative of the Heirs and Estate of Jose J. Cano, Sr., Deceased, by and through his attorneys of record, Holly J. W. Huart and Stephanie Finch of the law firm of Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant, Sunoco, Inc.(R&M) f/k/a Sun Company Inc. (R&M), erroneously named by the Plaintiffs as "Sun Company Inc. ("R&M") a/k/a Suntime Refining Company," ("Defendant"), and files its Objections and Responses to Plaintiff's First Request for Admissions and Second Request for Production.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

By:


Philip Werner

State Bar No. 21190200

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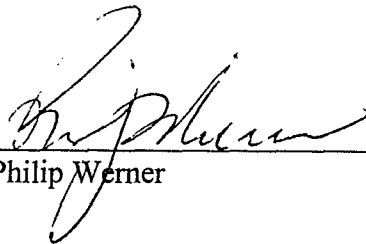
Facsimile: 713-626-9708

ATTORNEYS FOR DEFENDANT,
SUNOCO, INC. (R&M)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded by certified mail, return receipt requested, to Plaintiff's counsel listed below, and by U.S. First Class Mail to all known defense counsel of record on this 21st day of June, 2000:

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


Philip Werner

GENERAL OBJECTIONS

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

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

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

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

Defendant Sunoco and its predecessors or affiliates at one time owned a refinery and a pipeline terminal facility in the Corpus Christi area. It was at the refinery, sometimes referred to as the Suntide Refinery, that Plaintiff asserts Jose J. Cano, Sr. was employed. Sunoco specifically objects to responding to each of the following requests with respect to any facilities other than the facilities located in Nueces County. What happened at other facilities is not relevant to any issue in this case, nor is it likely to lead to the discovery of relevant evidence. Such inquiries are overbroad and burdensome. All responses that follow are therefore with respect to the facilities located in Nueces County where Mr. Cano claims to have worked and are subject to this objection.

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

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.

OBJECTION:

This inquiry is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

Sunoco has attempted to obtain information pertaining to its facilities located in Nueces County. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 1:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

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 1952 and 1970.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 2:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied as phrased. This Defendant never employed Plaintiff, based on the Plaintiff's own records.

REQUEST FOR PRODUCTION NO. 3:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

None.

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:

None.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the year of 1952 and 1970, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the year of 1952 and 1970, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

REQUEST FOR ADMISSION NO. 5:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 8:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 9:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

REQUEST FOR ADMISSION NO. 7:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

It is admitted that this Defendant's predecessor was apparently aware by 1969 that over-exposure to asbestos fibers had been associated with certain health effects. The exact extent of that knowledge is unknown to this Defendant at this time.

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

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.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing, produce all such warnings.

OBJECTION:

This request is argumentative in that it assumes facts which are not true. This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

Unknown at this time.

REQUEST FOR ADMISSION NO. 11:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied. It is also denied that it was Sunoco's obligation, as opposed to the employer of contract workers, to provide the appropriate safety gear. Under standard contracts in the industry, it is the contractor's obligation to provide employees with safety gear.

REQUEST FOR ADMISSION NO. 13:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 13:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not

calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 14:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

REQUEST FOR ADMISSION NO. 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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 15:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 16:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 17:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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 worksites where Plaintiff was present.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 18:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 19:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 20:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR PRODUCTION NO. 21:

Produce all documents reflecting payments made to contractors during the year of 1952 and 1970, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true. This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None available at this time.

REQUEST FOR ADMISSION NO. 21:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR ADMISSION NO. 22:

Admit that during the year of 1952 and 1970, Defendant had the power to control Defendant's Premises.

RESPONSE:

Admitted, to the extent that this Defendant could exclude others from its premises. Denied insofar as the right to control the manner and details of independent contractors' performance of their work on this Defendant's premises.

REQUEST FOR PRODUCTION NO. 22:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 23:

Admit that, during the year of 1952 and 1970, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

It is unclear to this Defendant what is meant by "the power to manage the use or condition of Defendant's Premises," and this Defendant objects to this ambiguity. Nevertheless, subject to this objection, admitted, to the extent that this Defendant could exclude others from its premises. Denied insofar as the right to control the manner and details of independent contractors' performance of their work on this Defendant's premises.

REQUEST FOR PRODUCTION NO. 23:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 24:

Admit that, during the year of 1952 and 1970, Defendant had the power to direct the use or condition of Defendant's Premises.

OBJECTION:

This Defendant objects for the reason that it is unclear what is meant by "the power to direct the use or condition of Defendant's Premises."

RESPONSE:

Subject to this objection, this Defendant asserts and admits that it had the power to exclude others from its premises, but denies specifically that it had or exercised the power to control the manner and details of the performance of work by independent contractors on its premises.

REQUEST FOR PRODUCTION NO. 24:

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

denial.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 25:

Admit that, during the year of 1952 and 1970, Defendant had the power to superintend the use or condition of Defendant's Premises.

OBJECTION:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "the power to superintend the use or condition of Defendant's Premises."

RESPONSE:

Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 25:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the year of 1952 and 1970, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request as ambiguous, for the reason that it is unclear what is meant by "had the power to restrict the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. This Defendant specifically denies that it had or exercised the power to control the manner and details of the performance of work by independent contractors on its premises.

REQUEST FOR PRODUCTION NO. 26:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the year of 1952 and 1970, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "had the power to regulate the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 27:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the year of 1952 and 1970, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for admission as vague for the reason that "had the power to govern the use or condition of Defendant's Premises" is unclear. Subject to this objection, Defendant admits that it had the power to exclude others from its premises. This Defendant denies that it had the power to control the manner and details of the performance of work by independent contractors working on its premises.

REQUEST FOR PRODUCTION NO. 28:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the year of 1952 and 1970, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague and unclear what is meant by "had the power to oversee the use or condition of Defendant's Premises." Subject to this

objection, Defendant admits that it had the general power to exclude others from its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors doing work on its premises.

REQUEST FOR PRODUCTION NO. 29:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the year of 1952 and 1970, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "had the power to administer the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 30:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 31:

Admit that during the year of 1952 and 1970, Defendant controlled Defendant's Premises.

RESPONSE:

Defendant admits that it "controlled" Defendant's premises to the extent that it could exclude others from its premises. This Defendant denies that it had or exercised the power to control the manner and details of the performance of work by independent contractors doing work on its premises.

REQUEST FOR PRODUCTION NO. 31:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 32:

Admit that, during the year of 1952 and 1970, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "managed the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors doing work on its premises.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the year of 1952 and 1970, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "directed the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. Defendant denies that it had or exercised the power to control the manner and details of the performance of work by independent contractors doing work on its premises.

REQUEST FOR PRODUCTION NO. 33:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the year of 1952 and 1970, Defendant superintended the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "superintended the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 34:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the year of 1952 and 1970, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "restricted the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 35:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the year of 1952 and 1970, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "regulated the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 36:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the year of 1952 and 1970, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "governed the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors doing work on its premises.

REQUEST FOR PRODUCTION NO. 37:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the year of 1952 and 1970, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "oversaw the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 38:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the year of 1952 and 1970, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

This Defendant objects to this request for the reason that it is vague, in that it is unclear what is meant by "administered the use or condition of Defendant's Premises." Subject to this objection, Defendant asserts that it had the general power to exclude others from access to its premises. It is denied that this Defendant had or exercised the power to control the manner and details of the performance of work by independent contractors performing tasks on its premises.

REQUEST FOR PRODUCTION NO. 39:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 40:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 41:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 41:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 42:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 42:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 43:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time, other than exemplar contemporaneous contracts which might be available. As indicated elsewhere, however, this Defendant has retained no documents related to the facility in question, all of which accompanied the premises when they were sold in 1980.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 44:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 45:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After

investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 46:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 47:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 48:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 49:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 50:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has attempted to obtain this information with respect to the facility in question. After investigation of its available records and reasonable inquiries, Sunoco has insufficient basis to admit or deny this request. It is therefore denied.

REQUEST FOR PRODUCTION NO. 50:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time, other than contemporaneous exemplar contracts which might be located elsewhere.

REQUEST FOR PRODUCTION NO. 51:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

There are no documents available which relate to the premises in question. As noted in its objections, this Defendant objects to the production of documents, generally, which relate to other premises and/or which post-date the date upon which Plaintiff claims to have worked at Sunoco's

premises. Investigation continues.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 52:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 53:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

These will be produced at a mutually convenient time and place.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 53:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None available at this time.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 54:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 55:

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

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

These will be made available at a mutually convenient time and place.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Sunoco has no documents upon which it will rely, other than the Plaintiff's medical records and the results of testing done.

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.

OBJECTION:

This request is argumentative in that it assumes facts which are not true.

RESPONSE:

None at this time.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true. This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

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.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true. This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

None at this time.

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.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

It is unclear what the document retention policy was at the Suntide refinery, which was sold by this defendant's predecessor in November 1981. It is clear that the bulk of documents relating to the operation, safety and management of that facility went with the facility when it was sold, and this defendant retained no copies of such information as would be subject to these interrogatories and requests.

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.

OBJECTION:

This request is overbroad and burdensome because it is not reasonably limited in time, place, or quantity of items or information or to a facility located in Nueces County, and/or it is not calculated to lead to the discovery of relevant evidence.

RESPONSE:

It is unclear what the document retention policy was at the Suntide refinery, which was sold by this defendant's predecessor in November 1981. It is clear that the bulk of documents relating to the operation, safety and management of that facility went with the facility when it was sold, and this defendant retained no copies of such information as would be subject to these interrogatories and requests.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Unknown to this defendant whether the Suntide premises now contains asbestos. The request is, therefore, denied.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

OBJECTION:

This inquiry is argumentative in that it assumes facts which are not true.

RESPONSE:

Denied, for the reason that this defendant no longer owns the premises and has not since 1981.