

NO. 00-08005-J

FLOYD O. DIVINEY, ET AL. § IN THE DISTRICT COURT OF
V. § DALLAS COUNTY, T E X A S
GAF CORPORATION, ET AL. § 191ST JUDICIAL DISTRICT

DEFENDANT EL PASO GAS CGP COMPANY F/K/A
THE COASTAL CORPORATION'S
OBJECTIONS, ANSWERS AND RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION AND
REQUESTS FOR ADMISSION

TO: PLAINTIFF CARROLL SISSELL, by and through his attorney of record, Ms. Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW DEFENDANT EL PASO GAS CGP COMPANY f/k/a THE COASTAL CORPORATION ("Defendant" or "El Paso"), and, pursuant to Rule 190, *et seq* of the Texas Rules of Civil Procedure, serves this its Objections, Answers and Responses to Plaintiff Carroll Sissell's First Set of Interrogatories, Request for Production and Request for Admissions.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

B. STEPHEN RICE

State Bar No. 16838000

CRAIG S. WOLCOTT

State Bar No. 21845475

400 Two Allen Center

1200 Smith Street

Houston, Texas 77002

(713) 654-1111 (Telephone)

(713) 650-0027 (Telecopier)

ATTORNEYS FOR DEFENDANT EL PASO GAS
CGP COMPANY F/K/A THE COASTAL
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 facsimile, certified mail, return receipt requested, Federal Express and/or hand delivery, and to all other counsel of record by regular mail, on this 17th day of September, 2001.


CRAIG S. WOLCOTT

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition of the terms “Defendant,” “You,” “Your” and “Your Company” on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries and other separately incorporated non-parties thus rendering the Plaintiff’s stated definitions overly broad, vague and improper.

Defendant objects to the stated definition of the terms “Document,” “Documents,” “Written Materials” and “Printed Materials” on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production “regardless of who now has or formerly had custody, possession or control” on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms “Meeting” or “Meetings” on the grounds it is so overly broad and vague and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms “products containing asbestos fiber,” “asbestos containing products” and “asbestos products” on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objects to the stated definition of the term “years at issue” to mean 1945-1989. Plaintiff has failed to reasonably identify when he allegedly worked with or around asbestos-containing material, allegedly on Defendant’s premises.

Defendant objects to the stated definition of the term “Defendant’s Premises At Issue” as it is vague, general and non-specific. Defendant did not own and/or operate the Corpus Christi refinery.

PLAINTIFF'S INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

Defendant El Paso is a corporation. The information necessary for responding to these interrogatories came from various sources. Objection to request for year-by-year list of positions, titles or jobs as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

- a. asbestosis
- b. lung cancer
- c. mesothelioma

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Since El Paso did not own and/or operate the Corpus Christi refinery, none.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Since El Paso did not own and/or operate the Corpus Christi refinery, none.

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which

Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: See Defendant's Responses to Request for Disclosure.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: See Defendant's Responses to Request for Disclosure.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever; and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 11:

If Defendant has or had or maintained in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the relevant time period, not limited to matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto:

El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably

calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The information sought is equally available to Plaintiffs as Defendants. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No.

12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this suit, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Objection: Defendant El Paso objects to this interrogatory on the grounds it is excessive, overbroad, vague, and seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's interrogatories (No. 12-20) violate T.R.C.P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, each discreet part of an interrogatory considered a separate interrogatory. Subject thereto: El Paso's principal office in this state is in Harris County.

PLAINTIFF'S REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 9:

Please produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises At Issue in the vicinity of asbestos-containing products.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at

any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 11:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, please produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts".

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 14:

Please 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:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 16:

Please produce all documents used, referred to or relied upon in answering any Interrogatories.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 17:

Please 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:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts 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) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 20:

Please produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE:

Objection. Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of

admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

Objection. Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 35:

Please produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 36:

Please produce all documents which contain complaints by employees of Defendant at the Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 37:

Please produce all documents which contain complaints by Union representatives of Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of

admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 39:

Please produce all documents which evidence Defendant's net worth, including, but not limited to, all "10-K" forms filed for the last five (5) years.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso denies that it manufactured any asbestos-containing products,

or added asbestos to any product. El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in any way to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso denies that it manufactured asbestos, asbestos-containing material, or used asbestos or asbestos-containing materials in any industrial processes. El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

**PLAINTIFF'S REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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 At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 4:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR ADMISSION NO. 5:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 6:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 10:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 11:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated

to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE:

Objection. Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 16:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 21:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 23:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 25:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated

to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 27:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 29:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not to provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated

to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 39:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 40:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 42:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 43:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR PRODUCTION NO. 65:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR ADMISSION NO. 45:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection: Defendant El Paso objects to this request on the grounds it is excessive, overbroad, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, not limited to the relevant time period, and not limited to the relevant site. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or

operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer what materials to use when doing the work

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this requested is denied.

REQUEST FOR ADMISSION NO. 50:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Objection. Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 53:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 54:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated

to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 55:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 56:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.

REQUEST FOR ADMISSION NO. 57:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection: Defendant El Paso 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, not limited to the matters the subject of this suit, and is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: El Paso did not own and/or operate the Corpus Christi refinery. Accordingly, this request is denied.