

CAUSE NO. 00-06-09976CV

KNOX EUGENE MANFORD and
MADELEINE MANFORD,
Plaintiffs,

vs.

GAF CORPORATION, et al.,
Defendants.

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IN THE DISTRICT COURT

BROOKS COUNTY, TEXAS

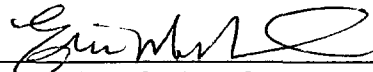
79TH JUDICIAL DISTRICT

DEFENDANT UTEX INDUSTRIES, INC.'S OBJECTIONS
TO PLAINTIFFS' REQUESTS FOR PRODUCTION

TO: Plaintiffs, by and through their attorney of record William K. Tapscott, Jr., Baron & Budd,
P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW Defendant UTEX INDUSTRIES, INC. and, pursuant to the Texas Rules of
Civil Procedure, serves these Objections to Plaintiffs' Requests for Production.

Respectfully submitted,



JAMES D. STANTON

State Bar No. 19053260

ERIC W. MCNEIL

State Bar No. 13830320

THE LAW OFFICES OF JAMES D. STANTON

Turtle Creek Centre

3811 Turtle Creek Boulevard, Suite 450

Dallas, Texas 75219

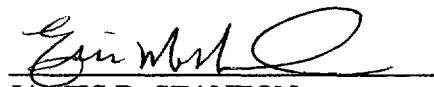
Telephone: (214) 559-3232

Facsimile: (214) 559-0777

ATTORNEYS FOR DEFENDANT
UTEX INDUSTRIES, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on Plaintiffs' counsel of record via fax and certified mail, return receipt requested, and all other counsel of record, via regular mail, on this the 27th day of February, 2001.



JAMES D. STANTON
ERIC W. MCNEIL

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce any and all documents (memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character) in your possession, custody or control which would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 2: Produce any and all documents (memoranda and/or other writings) in your possession, custody or control that in any way relate to the hazards of asbestos and/or airborne asbestos.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 3: Produce any and all documents in your possession, custody or control which were disseminated or published by any person, trade association or organization of any type and that contain information relating to the hazards of asbestos and/or airborne asbestos.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4: Produce any and all documents that indicate and/or refer to in any way a decision and/or discourse related to ceasing the manufacture of asbestos-containing products by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufacture," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 5: Produce any photographs of asbestos products manufactured by Defendant in place or being used, fabricated and/or utilized.

RESPONSE: Defendant objects to this Request on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos products.

REQUEST FOR PRODUCTION NO. 6: Produce any actual warning signs, labels, or photographs of warning signs or other statements distributed with or placed on the packaging of asbestos containing products manufactured by Defendant at any time during the last fifty-five (55) years.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 7: Produce any documents which indicate in any way that individuals claimed injury to their lungs as a result of exposure to asbestos containing products manufactured by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products. Defendant further objects to this Request on the grounds that it is vague, and fails to specify with sufficient particularity the documents sought.

REQUEST FOR PRODUCTION NO. 8: Produce any documents, minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 9: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the sale, distribution, or purchase of asbestos-containing products from Defendant by Jones & Laughlin Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 10: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the sale, distribution, or purchase of asbestos-containing products from Defendant by Fluor Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 11: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the sale, distribution, or purchase of asbestos-containing products from Defendant by Oil Field Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 12: Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the sale, distribution, or purchase of asbestos-containing products from Defendant by Newman Brothers Drilling.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 13: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, telexes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products from Defendant by Jones & Laughlin Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 14: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, telexes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products from Defendant by Fluor Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 15: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, telexes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products from Defendant by Oil Field Supply Co.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 16: Provide a copy of all invoices, purchase orders, agreements, contracts, correspondences, telefaxes, telexes, and/or documents of any type passing between this Defendant and any other entity regarding the acquisition, ordering, purchasing, supplying, removal or distribution of asbestos-containing products from Defendant by Newman Brothers Drilling.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 17: Produce any and all documents reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from Defendant's company or hired by Defendant where asbestos-containing products manufactured by Defendant were being used or installed and that included the taking or measure of "dust counts."

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 18: In the event that Defendant performed or had performed any dust level counts with respect to asbestos dust produce any documents that in any way reflect or discuss the results of such studies or counts and actions, or potential actions, if any, taken as a result of such counts or studies.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 19: Please provide all documents referred to in answering Plaintiffs' Interrogatories propounded to the Defendant, identifying with specificity which documents were used to answer which interrogatories.

RESPONSE: Defendant incorporates by reference its objections to all of Plaintiffs' Interrogatories propounded in this case. Defendant further objects to this Request on the grounds that it is vague and ambiguous, and fails to specify with sufficient particularity the documents sought.

REQUEST FOR PRODUCTION NO. 20: As to all such potential legal entities who are not now a party to this lawsuit, such as suppliers of Defendant's bulk asbestos, but who may be responsible for the incident in question, please provide:

- A. All documents tending to establish such liability; and,
- B. A list of all tangible items or things that may be reviewed tending to establish such liability, along with their location and the identity of the person to contact to view such tangible things.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is vague and ambiguous, and fails to specify with sufficient particularity the documents and tangible items sought.

REQUEST FOR PRODUCTION NO. 21: Provide a copy of all documents from which your present net worth may be ascertained.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that responding would subject Defendant to unnecessary harassment, annoyance, and invasion of its constitutional, privacy and property rights.

REQUEST FOR PRODUCTION NO. 22: Provide a copy of all documents regarding safety, safety training and/or safety meetings provided to or for the benefit of Plaintiff and other workers for the proper handling and use of asbestos or asbestos-containing products manufactured and/or distributed by Defendant. Include any documents given out at such safety meetings and copies of the minutes of or notes from all safety meetings or training sessions for the last fifty (50) years.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 23: Provide a copy of all Defendant's safety and policy manuals regarding the use of or exposure to asbestos-containing products from 1940 to the present.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 24: Provide a copy of all reports, investigations, transcripts, memoranda, correspondence and/or documents of any type you received from, or sent to any city, county, state, or federal entity, including but not limited to the EPA, NIOSH, NIEHS or OSHA regarding either the potential health hazards or dangers associated with exposure to asbestos-containing products or airborne asbestos, and/or regarding any surveys, testing or other actions taken to determine the presence of and concentration of airborne asbestos caused by handling and installing asbestos containing products manufactured by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 25:

Provide a copy of any and all photographs or video recordings, sketches, drawings, or pictures in Defendant's custody or control or that of your attorney, or of any agent or representative of you or your attorney, whether made as part of the reports of experts or made by you, your attorney, or persons acting as your agents or representatives, and pertaining to any asbestos-containing products manufactured by Defendant. Request is hereby made for one print of each photograph or video recording produced in response to this request.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products. Defendant further objects to this Request on the grounds that it is vague, and fails to specify with sufficient particularity the tangible items sought.

REQUEST FOR PRODUCTION NO. 26:

Any models, visual aids, experiments, documents or other writings or any items of demonstrative evidence prepared or preserved by you, your attorney, your experts, or any other person acting on your behalf that will or may be used in the trial of this lawsuit.

RESPONSE: Defendant further objects to this Request on the grounds that it is overly broad, and fails to specify with sufficient particularity the documents and tangible items sought. Subject to and without waiving this objection, Defendant will agree to exchange trial exhibits with Plaintiffs at an appropriate time before trial.

REQUEST FOR PRODUCTION NO. 27:

Copies of all depositions of any person previously employed by you specifically including, but not limited to Defendant or Defendant's employees, representatives, or agents, taken in connection with any alleged asbestos exposure to asbestos containing products manufactured by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 28: Provide a copy of each and every document (including all reports, memos, photographs, statements and any material collected or acquired of any investigation, and all correspondence between Defendant and Defendant's insurer, and any reports, notes or any other documents regarding testing, examinations, inspections, or opinions related in any way to asbestos or any other communication from any individual or entity to Defendant, Defendant's insurer or any agent or representative of Defendant or Defendant's insurer concerning this incident or any injuries or disabilities allegedly resulting therefrom) in Defendant's possession or control, or that of Defendant's insurer, health insurer, disability insurer, liability insurer, or other insurer, relating to Defendant's claim or the investigation of this incident by Defendant, Defendant's insurer, or any individual or entity engaged for such a purpose.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is vague and ambiguous with respect to the terms "Defendant's claim" and "this incident."

REQUEST FOR PRODUCTION NO. 29: Provide copies of any and all safety standards, regulations, rules or codes pertaining in any way to asbestos or inhalation of toxic fumes or substances, whether promulgated by government or private industry, or Defendant from 1940 to the present.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 30:

Provide a copy of any and all contracts and/or agreements of any kind (if oral, reduce the agreement to writing) made by Defendant to supply masks and/or other safety equipment to purchasers of asbestos containing products manufactured by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 31:

Provide copies of any and all documentation which in any way relates to the transport and distribution of asbestos containing products manufactured by Defendant.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products. Defendant further objects to this Request on the grounds that it is vague, and fails to specify with sufficient particularity the documents sought.

REQUEST FOR PRODUCTION NO. 32:

Provide copies or reproductions of any and all advertisements of asbestos containing products manufactured by Defendant, including, but not limited to, posters, flyers, magazines or newspaper advertisements, and audio or video recordings of radio or television commercials.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, unduly burdensome, and not reasonably limited in time or scope. Defendant further objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

REQUEST FOR PRODUCTION NO. 33: Provide photographs of all asbestos containing products identified in Defendant's response to Interrogatory No. 20.

RESPONSE: Defendant incorporates by reference its objections to Interrogatory No. 20.

REQUEST FOR PRODUCTION NO. 34: Provide copies of all articles or other publications identified in Defendant's response to Interrogatory No. 22.

RESPONSE: Defendant incorporates by reference its objections to Interrogatory No. 22.

REQUEST FOR PRODUCTION NO. 35: Provide copies of the results of all product tests identified in Defendant's response to Interrogatory No. 24.

RESPONSE: Defendant incorporates by reference its objections to Interrogatory No. 24.