

DEC. 01 9

NO. 40,296-A

JURLINE WARREN, Individually and as	§	IN THE COUNTY COURT
Personal Representative of the Heirs and Estate	§	
of ODIS WARREN, Deceased,	§	
	§	
Plaintiff,	§	
	§	AT LAW NO. 2
vs.	§	
	§	
SWAN TRANSPORTATION COMPANY	§	
f/k/a TYLER PIPE INDUSTRIES, INC.; and	§	
TYLER PIPE INDUSTRIES INC., f/k/a	§	
TYLER PIPE INDUSTRIES INC. OF TEXAS,	§	
	§	
Defendants.	§	SMITH COUNTY, TEXAS

**SWAN TRANSPORTATION COMPANY'S OBJECTIONS
AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

Defendant Swan Transportation Company files its objections to plaintiff's first set of interrogatories and requests for production.

General Objections

1. Defendant objects to plaintiffs' first set of interrogatories and requests for production to the extent that they seek documents or information which are confidential, proprietary, and/or constitute or contain competitive business or financial information of defendant.

2. Defendant objects to the plaintiffs' interrogatories and requests for production to the extent they are overly broad, unduly burdensome and would render compliance impractical and/or seek information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See, e.g.,* Tex. R. Civ. P. 166b(2)(1)-(b), 166b(3)(e) and/or 166b(5).

3. Defendant objects to the plaintiffs' interrogatories and requests for production to the extent they seek information which is privileged or protected from discovery pursuant to the attorney-client privilege, the attorney work product doctrine, the consulting expert privilege, the joint

defense privilege, the investigation privilege set forth in Rule 166b(3)(c) of the Texas Rules of Civil Procedure, the party communication privilege set forth in Tex. R. Civ. P. 166b(3)(d), or any other privilege available under federal and state statutory or common law. Defendant further objects to plaintiffs' discovery requests to the extent they would require defendant to disclose its attorney-work product, or the results of counsel and client investigations occurring in anticipation of litigation. Disclosure of this information is beyond the scope of discovery allowed by the Texas Rules of Civil Procedure and should not be permitted.

4. Defendant objects to each and every request for production wherein defendant is asked to produced "all documents" or similar requests because such do not constitute a sufficient request under Rule 167 of the Tex. R. Civ. Proc. which requires that the request set forth the items to be inspected, either by individual item or by category and describe each item or category with reasonable particularity. Defendant hereby objects to each and every request for production containing such phrases as vague, ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

5. Defendant makes any responses to plaintiffs' first set of interrogatories and requests for production without waiving, or intending to waive, but on the contrary, preserving and intending to preserve: (a) the right to object, on the grounds of competency, privilege, relevance or materiality, or any other proper grounds, to the use of any documents or other information for any purpose in whole or in part, in any subsequent proceeding in this action or in any other action; (b) the right to object on any and all grounds, at any time, to other requests for production, interrogatories or other discovery procedures involving or relating to the subject matter of the request to which defendant has responded herein; and (c) the right at any time to revise, correct, add to or clarify any of the responses made herein. The inadvertent production of any privileged document or information shall not be deemed a waiver of any applicable privilege with respect to such document or information or any other document or information.

6. When defendant's specific responses to these discovery requests reference the General Objections described above, defendant incorporates, as if set forth verbatim, the content of the specific General Objection referenced in the response.

7. Defendant objects to the phrase "defendant's premises" because this term is vague, ambiguous, and not defined.

Objections to Instructions

8. Defendant objects to all instructions accompanying these discovery requests that are vague, unduly burdensome, or attempt to impose upon defendant a greater burden than that imposed upon a party under the Tex. R. Civ. Proc. In the following paragraphs, defendant identifies additional objections to specific instructions

9. Defendant objects to all of the instructions regarding this defendant's obligation to gather information in response to these discovery requests because such instruction is ambiguous, overly broad, exceeds the scope of permissible discovery and seeks information exempted from discovery under Rule 166b(3) of the Texas Rules of Civil Procedure as within the attorney-client privilege, the attorney work product doctrine, the consulting expert privilege, the investigation privilege, and the party communication privilege.

10. Defendant objects to the instruction concerning the deadline for responding to plaintiff's discovery requests. The instruction attempts to impose a greater burden on defendant in responding to these discovery requests than that imposed under the Texas Rules of Civil Procedure.

11. Defendant objects to the instruction regarding supplementation to the extent it conflicts with the Texas Rules of Civil Procedure. Although defendant will supplement its responses in accordance with Rule 166b6a and b of the Texas Rules of Civil Procedure, defendant makes no agreement regarding supplementation under Rule 166b6(c).

Objections to Definitions

12. Defendant objects to all of the definitions accompanying these requests that are vague, unduly burdensome or attempt to impose upon defendant a burden greater than that imposed upon a party under the Texas Rules of Civil Procedure. In the paragraphs below, defendant identifies additional objections to specific definitions.

13. Defendant objects to the definition of the term "Swan Transportation Company" because it is ambiguous, confusing, and overly broad.

14. Defendant objects to the definition of the term "person" because it is ambiguous and overly broad.

15. Defendant objects to the terms "defendant", "you", "your" and "your company" because such definition is ambiguous, overly broad, and unduly burdensome. This definition purports to include defendant's "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates . . . present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate defendant . . ." Defendant objects that the definition is overly broad, ambiguous, unduly burdensome, and purports to require that third parties and other non-parties to this lawsuit provide information in response to these discovery requests. The definition exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure. Similarly, the definitions of the terms "predecessors" and "subsidiaries" are confusing, ambiguous, overly broad and are objectionable for the reasons cited above.

16. Defendant objects to the definition of the term “you”, “your” and “defendant ” as set forth in the paragraph 5 which purports to include defendant's divisions, affiliates, predecessors in interest, agents, employees, shareholders, officers and directors. Defendant objects that this definition is overly broad, ambiguous, unduly burdensome, and purports to require that third parties and other non-parties to this lawsuit provide information in response to these interrogatories. This definition exceeds the scope of permissible discovery under the Texas Rules of Civil procedure.

17. Defendant objects to the definition of the term “document” because it is vague and ambiguous, and overly broad. To the extent this definition is broader than or conflicts with the definition provided in Rule 166b(2)(b) of the Texas Rules of Civil Procedure, defendant objects to it.

18. Defendant objects to the definition of the terms “relating to” and “concerning” because such is ambiguous, overly broad, and conflicts with ordinary usage and the dictionary definition of those terms.

19. Defendant objects to the instructions relating to requests that ask defendant to identify a document, or a person. These definitions purport to require that defendant provide very specific information in identifying documents, persons, corporations or business entities, and litigation. The detailed information called for in these definitions is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure.

20. Defendant objects to the instruction regarding claims of privilege or claims that documents are nondiscoverable. The instruction purports to require that defendant provide detailed information in claiming a privilege or that a document is not discoverable. Defendant objects to this instruction because it is unduly burdensome, not calculated to lead to the discovery of admissible evidence, attempts to impose a greater burden on defendant than that imposed under the Texas Rules of Civil Procedure. Compliance with this instruction would impose an undue burden and expense on defendant.

21. Defendant objects to the instruction regarding documents no longer in defendant's possession, custody or control and documents that have been lost or destroyed. This instruction purports to require that defendant provide a written statement relating to such documents. The detailed information called for in this instruction is unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, the instruction exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure.

22. Defendant objects to the definition of the terms “person” or “persons” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

23. Defendant objects to the definition of the words “meeting” or “meetings” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

24. Defendant objects to the definition of the words “describe” or “description” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

25. Defendant objects to the definition of the terms “product containing asbestos fibers,” “asbestos-containing products,” or “asbestos products” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

26. Defendant objects to the definition of the terms “medical advisory capacity” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

27. Defendant objects to the definition of the terms “trade organization” and “trade association” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

28. Defendant objects to the definition of the terms “plant” and “facility” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

29. Defendant objects to the definition of the terms “manufacture” or “manufactured” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

30. Defendant objects to the definition of the terms “research” and “research department” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

31. Defendant objects to the definition of the terms “medical department” and “safety department” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

32. Defendant objects to the definition of the phrase “industrial hygiene surveys” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

33. Defendant objects to the definition of the terms “potential health hazards” or “health hazards” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

34. Defendant objects to the definition of the terms “test” and “testing” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

35. Defendant objects to the definition of the terms “abate” and “abatement” because such is ambiguous, overly broad, unduly burdensome, and conflicts with ordinary usage and the dictionary definition of the term.

INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or she held when working for Defendant.

ANSWER:

Defendant incorporates General Objections 2 and 3. Defendant objects that the interrogatory seeks information exempted from discovery under Rule 166b3 (a), (b), (c), (d), and (e) and Rule 503 of the Texas Rules of Civil Evidence as attorney work product, party communications, under the investigative privileges or the attorney-client privilege. Further, defendant objects that the interrogatory assumes that persons listed in response to the interrogatory were employed by defendant. Moreover, defendant objects that the interrogatory is unduly burdensome.

INTERROGATORY NO. 2:

Please identify (including dates of employment if an employee and position) each person known to Defendant as having knowledge of facts relevant to this case, including all persons with knowledge of the facts set forth in your interrogatory answers. For each person identified, please describe the relevant facts which you believe are within such person's scope of knowledge.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects to the portion of the interrogatory that asks it to "describe the relevant facts which you believe are within such persons scope of knowledge" because such seeks information exempted from discovery under Rule 166b3 (a), (b), (c), (d), and (e) and Rule 503 of the Texas Rules of Civil Evidence as attorney work product, party communications, under the investigative privileges or the attorney-client privilege.

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Defendant reserves the right to supplement this response.

INTERROGATORY NO. 3:

State, by date, who owned, operated, controlled, possessed, managed or occupied Defendant's Premises, including the entity from whom Defendant acquired Defendant's Premises, and the entity to whom Defendant sold Defendant's Premises.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the interrogatory is ambiguous and overly broad.

INTERROGATORY NO. 4:

If you contend that Plaintiff has used a misnomer or sued a wrong party in this action, please explain this basis for this contention and list the parties who should be sued state any corrections of misnomers that you contend Plaintiff has made.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that this interrogatory seeks information exempted from discovery as attorney work product, party

communications, or under the investigative or attorney client privilege, as set forth in Rule 166b3(a), (b), (c), (d), and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

INTERROGATORY NO. 5:

Please describe in detail the nature of all medical monitoring programs, medical examination programs or other medical surveillance programs ("program") provided to workers at Defendant's Premises. Your description should include to whom such programs were offered (i.e. contractor employees and Defendant employees), the dates that the aforementioned programs were in place, and what documents concerning the described programs exist.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Further, Defendant objects that the terms "medical monitoring program", "medical examination program", and "other medical surveillance" is vague, ambiguous, overly broad, and unduly burdensome.

INTERROGATORY NO. 6:

Please describe in detail the nature of your medical department, including to identity of all persons who directed, headed or supervised said department and state the years of their service in that capacity.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the interrogatory is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

INTERROGATORY NO. 7:

Describe all safety equipment provided to persons working on Defendant's Premises, including a list the equipment provided, when the equipment was first provided, to whom the equipment was provided and under what circumstances the equipment was provided. (Note: the identity of persons with knowledge of your "safety equipment" policies must be provided in response to Interrogatory No. 2).

ANSWER:

Defendant incorporates its General Objections 2, 3, and 6. Further, defendant objects that this interrogatory is ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not limited to the plaintiff in the lawsuit, nor is it limited to a relevant period of time prior to the incidents complained of in plaintiff's petition nor is it limited to information regarding persons performing tasks similar to those performed by plaintiff.

INTERROGATORY NO. 8:

[THERE WAS NO INTERROGATORY NO. 8 IN THE SET SERVED ON THIS DEFENDANT]

INTERROGATORY NO. 9:

Please describe all asbestos-containing products ("products") used at Defendant's Premises, including in that description what the products were used for, from whom the products were purchased, where the products were installed, when each product was no longer purchased and used, and the specific persons or contractors who used the products.

ANSWER:

Defendant hereby incorporates its general objections 2, 3, and 6. Further, defendant objects to the interrogatory which seeks information concerning non-parties to the lawsuit and locations other than the facility at which the plaintiff was employed. Defendant further objects to this interrogatory because it is vague, ambiguous, and not limited to a relevant period of time prior to the incidents alleged in plaintiff's petition. Defendant objects that the interrogatory is not relevant to any material issue nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, defendant objects that the interrogatory is not limited to the decedent or to the area where he worked.

INTERROGATORY NO. 10:

Describe the nature of the abatement of asbestos-containing products in place or in use at Defendant's Premises, including the identity of each person or company involved with the abatement of asbestos, including address and telephone number, and the dates and particular locations of each abatement procedure.

ANSWER:

Defendant hereby incorporates its general objections 3 and 4. Furthermore, because plaintiff has failed to identify the nature of plaintiff's exposure to asbestos, if any, defendant states that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory because it is ambiguous, overly broad, and not limited to a relevant period of time prior to the incidents complained of in plaintiff's petition. Defendant objects to the phrase: ". . .asbestos-containing products in place or in use" because such phrase is vague, ambiguous, overly broad, and unduly burdensome. The use of such phrase causes the interrogatory to be overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 11:

Identify by name and location each facility owned or operated by you in which asbestos-containing products have been manufactured, assembled, distributed, or sold. Include in your response a detailed description of each such product and the amount of asbestos in each such product.

ANSWER:

Defendant incorporates General Objections 2 and 3. Defendant further objects to this interrogatory because it is vague, ambiguous, and not limited to a relevant period of time prior to the incidents alleged in plaintiff's petition. Defendant objects that the interrogatory is not relevant to any material issue nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, defendant objects that the interrogatory is limited to the decedent or to the area where he worked.

INTERROGATORY NO. 12:

Describe in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities, including where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

ANSWER:

Defendant hereby incorporates its general objections 2 and 3. Further, defendant objects to the phrase "in any of your facilities" as overly broad and ambiguous. Defendant further objects to this interrogatory because it is vague, ambiguous, and not limited to a relevant period of time prior to the incidents alleged in plaintiff's petition. Defendant objects that the interrogatory is not relevant to any material issue nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, defendant objects that the interrogatory is not limited to the decedent or to the area where he worked. Moreover, defendant objects to the phrases "Describe in detail what tests. . . ." because such is unduly burdensome. The use of such phrase causes the interrogatory to be overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13:

With regard to any policy you may have had requiring workers on Defendant's premises to use respirators, please describe said policy in detail, including when the policy was implemented, to whom it applied (i.e. Defendant employees and contractor employees), and what types and brand names of respirators were required.

ANSWER:

Defendant hereby incorporates its general objections 2, 3, and 6. Defendant further objects that the interrogatory is overly broad, unreasonably burdensome, ambiguous, and not relevant to any material issue nor reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not limited to the plaintiff in this lawsuit, nor is it limited to a relevant period of time prior to the incidents complained of in plaintiff's petition, nor is it limited to information regarding persons performing tasks similar to those performed by the plaintiff.

INTERROGATORY NO. 14:

Please describe all inspections of the Defendant's premises by any regulatory agency or other governing body to determine if health and safety regulations governing exposure to asbestos were

being followed, including the date and results of each inspection, and identification of any written report generated by you or the agency.

ANSWER:

Defendant hereby incorporates its general objections 2, 3, and 6. Defendant further objects to the phrase "to determine if health or safety regulations governing exposure to asbestos were being followed" because such phrase is vague, ambiguous, overly broad, and unduly burdensome. Defendant further objects to this interrogatory because it is vague, ambiguous, and overly broad. Defendant further objects that this request for production is not limited to matters at issue in the lawsuit, not limited to a relevant period of time prior to the incidents complained of in plaintiff's petition, and not limited to information regarding similar injuries.

INTERROGATORY NO. 15:

If you contend that you have not been negligent towards Plaintiff, as Plaintiff has alleged in Plaintiff's Original Petition and any amendments thereto, please state in full the basis for this contention including a description of all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Moreover, defendant objects to the interrogatory to the extent it seeks information exempted from discovery as attorney work product, party communications, or under the investigative and attorney-client privilege as set forth in Rule 166b3(a), (b), (c), (d), and (e) of the Texas Rules of Civil Procedure and Rule 503 of the of the Texas Rules of Civil Evidence.

INTERROGATORY NO. 16:

Describe in detail how you warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products, including the methods of such warnings, who you warned and when, a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises including when the written warnings were installed, how many were installed, and whether they have been removed.

ANSWER:

Defendant hereby incorporates its general objections 2, 3, and 6. Defendant further objects to this interrogatory because it is ambiguous, unduly burdensome and not limited to a relevant period

of time prior to the incidents complained of in plaintiff's petition. The phrase "who you warned and when" is unduly burdensome, as is the request the defendant "describe" all written warnings.

INTERROGATORY NO. 17:

Describe how Defendant published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos, including a detailed description of the printed material, the identity of each person responsible for having drafted or issued the warning statements or written materials, and the dates when the printed material was first issued or distributed.

ANSWER:

Defendant hereby incorporates its general objections 2 and 3. Defendant further objects because the interrogatory is ambiguous, vague, overly broad, unlimited in time, not limited to plaintiff or his work area, and not relevant to matters at issue in this lawsuit.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to the hazards of asbestos, state the names of such organizations and list the dates of membership.

ANSWER:

Defendant hereby incorporates its general objections 3, 4, and 10. Further, defendant objects to this interrogatory because it is not limited to the parties to this lawsuit, is not limited to the matters at issue in this lawsuit, is not limited to a relevant period of time prior to the incidents alleged in plaintiff's petition, nor is it limited to the information regarding similar injuries or events. Defendant objects that the interrogatory is unduly burdensome, ambiguous, vague, and exceeds the scope of permissible discovery under Tex. R. Civ. P. 166b and 168.

INTERROGATORY NO. 19:

Identify the nature of all Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos made by individuals employed at Defendant's facilities, including the date of any such claims and a description of the injury alleged.

ANSWER:

Defendant hereby incorporates its general objections 3 and 4. Defendant objects to this interrogatory as it is overly broad, vague, ambiguous and burdensome. Specifically, defendant objects to the phrase "inhalation of asbestps" as vague and overly broad. Moreover, defendant objects to this interrogatory, because plaintiff has failed to identify what type of "exposure" or "inhalation," if any, is at issue in this case. Further, defendant objects to this interrogatory because it is not limited to a relevant period of time prior to the incidents complained of in plaintiff's petition, nor is it limited to information regarding similar injuries or to employees who worked in the same area as the decedent.

INTERROGATORY NO. 20:

Defendant incorporates General Objection No. 3. If Defendant has insurance policies that might cover the claims made by Plaintiff in this case, please list the name of each insurance carrier, the policy number, the amount of available coverage, and the effective dates of each policy.

ANSWER:

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery under Tex. R. Civ. P. 166b2f. Further, defendant objects to producing information about the amount of coverage available. Subject to and without waiving the foregoing objections, the insurance policies located to date will be produced for your inspection.

INTERROGATORY NO. 21:

Please state the following with respect to each expert witness that you may call during trial and any expert who you do not intend to call as a witness, if that expert's opinions or work product have been supplied to a testimonial expert:

- a. Identify the expert witnesses;
- b. the subject matter on which the expert is expected to testify;
- c. the substance of the facts and opinions which underlie the expert's opinion; and,
- d. a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation.

ANSWER:

Defendant hereby incorporates its general objections 2 and 3. Defendant objects to this interrogatory to the extent it seeks information concerning consulting-only experts and further objects to the interrogatory to the extent it exceeds the scope of permissible discovery under Tex.

R. Civ. P. 166b. Subject to and without waiving the objections, defendant states that it has not yet determined what testifying expert or experts to call and will supplement when it does.

INTERROGATORY NO. 22:

Please describe how you first learned that persons could suffer physical injury through the inhalation of asbestos fibers, including how Defendant became aware of the existence of asbestos hazards, and the identity of all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

ANSWER:

Defendant hereby incorporates its general objections 2 and 3. Defendant objects to this interrogatory as it is overly broad, vague, ambiguous and burdensome. Specifically, defendant objects to the phrase "physical injury through inhalation of asbestos" as vague and overly broad. Moreover, defendant objects to this interrogatory, because plaintiff has failed to identify what type of "exposure" or "inhalation," if any, is at issue in this case. Further, defendant objects to this interrogatory because it is not limited to a relevant period of time prior to the incidents complained of in plaintiff's petition, nor is it limited to information regarding similar injuries or to employees who worked in the same area as the decedent. Defendant objects that it is unduly burdensome to direct this type of interrogatory to a corporate entity. Additionally, defendant objects that the interrogatory asks it to offer a medical opinion as to whether or not a certain act could cause injury. Further, defendant objects that the interrogatory requires it to try to identify who within a corporate entity might first have learned of some act which could lead to some specific disease. Defendant also objects that to the request that it identify all documents on the referenced subject matter is unduly burdensome, ambiguous, overly broad, and exceeds the scope of permissible discovery.

INTERROGATORY NO. 23:

Please summarize the general corporate histories of TPI Inc., f/k/a Tyler Pipe Industries of Texas Inc. and Swan Transportation Co. f/k/a Tyler Pipe Industries, Inc., including parent and subsidiary entities. This summary should include, but is not limited to a description of the complete corporate history of all parents and subsidiaries including parents of parent corporations, any and all pertinent dates regarding any changes of ownership, name changes, mergers, buy outs and any other corporate changes, giving a brief description of the nature of each transaction and changes.

ANSWER:

Defendant incorporates its General Objections 1, 2, and 3. Further defendant objects that the interrogatory is ambiguous, overly broad, not properly limited in time or scope and not reasonably

calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects to the terms "the general corporate history"; "any changes of ownership"; "buyouts"; and "other corporate change" because such phrases are vague, ambiguous, and overly broad. Finally, defendant objects to the portion of the interrogatory that asks for a "complete corporate history" of Swan's parent companies and/or subsidiaries because such is overly broad, and seeks irrelevant information. Defendant objects to providing information about parent companies, other divisions, and subsidiaries.

INTERROGATORY NO. 24:

Please describe the corporate managerial organizations of TPI Inc., f/k/a Tyler Pipe Industries, of Texas Inc. and Swan Transportation Co. f/k/a Tyler Pipe Industries, Inc., including all divisions and subsidiaries. This description should include the identity all managerial personnel from the top of the organization to the bottom including, but not limited to, all those individuals responsible for safety, training, budgeting and personnel, and operations.

ANSWER:

Defendant incorporates its General Objections 1, 2, and 3. Further defendant objects that the interrogatory is ambiguous, overly broad, not properly limited in time or scope and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects to the terms "the general corporate history"; "any changes of ownership"; "buyouts"; and "other corporate change" because such phrases are vague, ambiguous, and overly broad. Finally, defendant objects to the portion of the interrogatory that asks for a "complete corporate history" of Swan's parent companies and/or subsidiaries because such is overly broad, and seeks irrelevant information. Defendant objects to providing information about parent companies, other divisions, and subsidiaries.

INTERROGATORY NO. 25:

If you have ever been convicted or cited for any offense (criminal, misdemeanor or felony), any violation of federal or state regulations (including but not limited to, OSHA or other regulatory bodies), or any county or city ordinances, please describe each of said offenses, including the nature of each offense and/or citation, the court or the administrative body in which the case was filed and the date the conviction, citation or violation was issued.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant

objects that the phrase “for any offense” and “any violation of federal or state regulations” or “any county or city ordinances” is grossly over broad and seeks information of no relevance to any issue in this lawsuit.

INTERROGATORY NO. 26:

Identify all Defendants or employees or agents thereof who have alleged or admitted in other litigation that during the time asbestos or silica containing products were used on Defendant's premises, Defendant knew of the health hazards of said substances, including silicosis and asbestos.

ANSWER:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects to the phrase “health hazards of such substances” because such phrase is ambiguous and overly broad. Moreover, plaintiff has failed to identify or describe the alleged asbestos exposure at issue in this lawsuit. Defendant objects to providing any information on silica or silicosis as irrelevant to plaintiff's claims. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

INTERROGATORY NO. 27:

Describe in detail all safety practices utilized at the Tyler Pipe Facility which you have implemented, monitored, or controlled, including your safety policies, whether you either implemented, or monitored, or controlled said practices or policies, as well as the nature of the practices or policies relating to exposure or use of asbestos, the use of protective equipment, the testing conducted at the Tyler Pipe Facility, and any medical monitoring programs.

ANSWER:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that this interrogatory is ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to discovery of admissible evidence in this lawsuit. Further, defendant objects that the interrogatory is not limited to the plaintiff in the lawsuit, nor is it limited to a relevant period of time prior to the incidents complained of in plaintiff's petition nor is it limited to information regarding persons performing tasks similar to those performed by plaintiff. Moreover, defendant objects that the

phrases “all safety practices utilized”, “use of protective equipment”, “the testing conducted” and “any medical monitoring programs” are ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce all documents and tangible things, including all tangible reports, physical models, compilations of data and other material prepared by an expert or for an expert in anticipation of the expert's trial and deposition testimony. This includes but is not limited to any consulting expert's opinions or impressions that have been reviewed by a testifying expert. See T.R.C.P. 166b(2)(e)(2).

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents requested in the preceding request for all experts or consultants who will not testify where the consultation is not their only source of information, but whose knowledge of relevant facts occurred prior to any consultation in this case.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 3

Please produce all the curriculum vitae or resume of all experts who may testify, or those who do not testify, if their opinions or work product have been reviewed by a testifying expert.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 4:

Please produce a list of or a copy of all publications by all experts who may testify (only if this is not part of the expert's curriculum vitae), or of those who do not testify, if their opinions or work product have been reviewed by a testifying expert.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 5:

Please produce all speeches given by all experts who may testify, or of those who do not testify, if their opinions or work product have been reviewed by a testifying expert.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 6:

Please produce all deposition and trial testimony (from cases other than the present one) of all experts who may testify, or of those who do not testify, if their opinions or work product have been reviewed by a testifying expert.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure. Further, defendant objects that the request is overly broad, unduly burdensome, not

properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 7.

Produce all Indemnity, Insuring or Settlement Agreements as defined by Rule 166b(2)(f), Texas Rules of Civil Procedure, relating in any way to existing or potential liability in the above cause of action.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the portion of the requests seeking summaries.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents, videotapes or recordings containing or summarizing any statement made by Plaintiff's Decedent as defined by Rule 166b 2.g., Texas Rules of Civil Procedure.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the portion of the requests seeking summaries.

REQUEST FOR PRODUCTION NO. 9:

Please produce all letters or correspondence that occurred prior to suit being filed between Plaintiff's Decedent and the defendant which relates to the subject matter of this lawsuit.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents, photographs, videotapes, tape recordings, slides or films relating to any surveillance of the Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the portion of the request that seeks all documents relating to the subject matter.

REQUEST FOR PRODUCTION NO. 11:

Please produce any photographs, films, videotapes, tape recordings, drawings, and diagrams that relate to the subject matter of this lawsuit.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 12:

Please produce all reports, photographs, videotapes, tape recordings, and other documentary information from anyone who was not directed by the defendant to investigate or research the Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, confusing, overly broad, and unduly burdensome. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 13:

Please produce all documents whose identity was requested in the foregoing interrogatories, regardless of whether you actually identified them in your answer thereto.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that this request is ambiguous, overly broad, unduly burdensome and not properly calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendant objects that this request is an impermissible fishing expedition, and is not a proper request under Rule 167 of the Texas Rules of Civil Procedure which requires that the request set forth the items to be inspected by individual item or category and describe each item and category with reasonable particularity.

REQUEST FOR PRODUCTION NO. 14:

Please produce all drawings, maps, or sketches of the Tyler Pipe Facility located on Highway 69 in Smith County, Texas.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 15:

Please produce a copy of any contract of employment that would govern the defendant's relationship with any other party or bear on the issue of course and scope of employment.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 16:

Please produce the complete personnel file of Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3.. Further, defendant objects that the request is overly broad, not properly limited in time, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 17:

Please produce all documents reflecting any hearing tests, breathing tests, hazardous communications testing, or any other medical testing performed by defendant or its agents or contractors on Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, 4, and 5. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 18:

Please produce the complete supervisor's file of Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 19:

Please produce the complete medical file of Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3.. Further, defendant objects that the request is overly broad, not properly limited in time, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 20:

Please produce the complete payroll file of Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3.. Further, defendant objects that the request is overly broad, not properly limited in time, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 21:

Please produce all copies of all tax returns, W-2 Forms, 1099 Forms, W-4 Forms, and other documents filed with the Internal Revenue Service relating to Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 22:

Please produce the complete worker's compensation file relating to any injuries Plaintiff's Decedent received in the past.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, 4, and 5. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 23:

Please produce all disciplinary records relating to Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 24

Please produce all 1-9 forms filled out and/or signed by Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 25:

Please produce all hiring notices filled out and/or filed by defendant pursuant to § 110.101, Title 28 of the Texas Administrative Code.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents reflecting the job description of Plaintiff's Decedent throughout his entire employment at the Tyler Pipe Facility.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 27:

Please produce all documents reflecting the job description of Plaintiff's Decedent's supervisor(s).

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to the alleged exposure or area of exposure.

Defendant further objects on the ground that providing the requested information, if that is even possible, would subject Defendant to undue and unnecessary expense and inconvenience and would require an inordinate and unnecessary expenditure of time and resources. These burdens greatly outweigh any probative value or benefit such information would have to Plaintiff. Defendant further objects on the grounds that Plaintiff, by this Request, seek to conduct a fishing expedition, which is an improper and impermissible use of a discovery.

REQUEST FOR PRODUCTION NO. 28:

Please produce all documents reflecting the job description of all co-employees that may have witnessed the Plaintiff's Decedent's exposure to products containing asbestos or silica.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to the alleged exposure or areas of exposure.

Defendant further objects on the ground that providing the requested information, if that is even possible, would subject Defendant to undue and unnecessary expense and inconvenience and would require an inordinate and unnecessary expenditure of time and resources. These burdens greatly outweigh any probative value or benefit such information would have to Plaintiff. Defendant further objects on the grounds that Plaintiff, by this Request, seek to conduct a fishing expedition, which is an improper and impermissible use of a discovery.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents and/or writings from the years of Plaintiff's Decedent's employment at Defendant's Premises, including but not limited to, deeds, certificates of title, leases, easements, ground leases, estoppel certificates, etc. that reflect the owner(s) Defendant's Premises and those permitted to occupy the Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 6. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the phrase "those permitted to occupy the defendant's premises" is vague and ambiguous. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 30:

Please produce a copy of any and all documents concerning and identifying the qualifications and designations of safety instructors or safety and health coordinators, or safety inspectors that were employed by defendant or acting in any capacity for the defendant from 1970 through 1996.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not

reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 31:

Please produce a copy of any and all documents that reflect and/or identify the individual(s) who at any time have been employed by or acting on behalf of the defendant, and who was responsible for formulating and/or implementing and/or maintaining safety measures, procedures, guidelines, rules and/or policies regarding safety at the Tyler Pipe Facility, in Smith County, Texas.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the phrase "employed by or acting on behalf of the defendant"

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents constituting, evidencing or mentioning the safety rules, regulations, policies, and procedures of the defendant in any way related to the Tyler Pipe Facility located in Smith County, Texas which were in effect at any time during the employment of Plaintiff's Decedent at the Tyler Pipe Facility.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Moreover, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and has failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 33:

Please produce all documents constituting, evidencing or mentioning the employee safety manual of the Tyler Pipe Facility located in Smith County, Texas, which were in effect at any time during the employment of Plaintiff's Decedent at the Tyler Pipe Facility.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the phrases "all documents" and "mentioning the employee safety manual of the Tyler Pipe Facility."

REQUEST FOR PRODUCTION NO. 34:

Please produce all documents constituting, evidencing or mentioning the safety rules, safety policies and procedures, and employee safety manuals published by the defendant during the time period of 1965 through the present date.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 5. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the phrases "all documents" and "mentioning the safety rules, safety policies and procedures, and employee safety manuals."

REQUEST FOR PRODUCTION NO 35:

Please produce all documents constituting, evidencing or mentioning the hazardous communications policies and procedures of the defendant which were in effect at any time during the employment of Plaintiff's Decedent at the Tyler Pipe Facility.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the phrases "all documents" and "mentioning the hazardous communications policies and procedures."

REQUEST FOR PRODUCTION NO. 36

Please produce all training videos and all documents relating thereto for all departments of the defendant throughout the entire time that Plaintiff's Decedent worked at the Tyler Pipe Facility located in Smith County, Texas.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Moreover, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and has failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 37:

Please produce all training videos and documents relating thereto applicable to Plaintiff's Decedent's employment at the Tyler Pipe Facility located in Smith County, Texas.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents reflecting any certifications and/or certificates of training as required by OSHA received by Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 39:

Please produce all OSHA 200 forms from January 1, 1990 through the present date.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 40:

Please produce all OSHA reports, letters, investigations, and citations from January 1, 1990 through the present date.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendants object that this request is not limited to plaintiff's complaints or alleged type of injury or exposure. Defendant also objects that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 41:

Please produce all letters, writings, documents, and/or reports transmitted by defendant to OSHA from January 1, 1990 through the present date.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendants object that this request is not limited to plaintiff's complaints or alleged type of injury or exposure. Defendants also object that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant further objects that this request does not constitute a sufficient request under Rule 167 of the Texas Rules of Civil Procedure. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 42:

Please produce the OSHA log kept by defendant from January 1, 1990 through the present date.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendants object that this request is not limited to plaintiff's complaints. Defendants also object that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant further objects that this request does not constitute a sufficient request under Rule 167 of the Texas Rules of Civil Procedure. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 43:

Please produce all notices filed and/or prepared by defendant pursuant to § I 10. 102 of the Texas Administrative Code.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendants object that this request is not limited to plaintiff's complaints. Defendants further objects that this request does not constitute a sufficient request under Rule 167 of the Texas Rules of Civil Procedure. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 44:

Please produce all TWCC forms filled out and/or filed by the defendant pursuant to Chapter 110, Title 28 of the Texas Administrative Code.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not

reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Moreover, defendants object that this request is not limited to these plaintiff's complaint. Defendant further objects that this request does not constitute a sufficient request under Rule 167 of the Texas Rules of Civil Procedure. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 45:

Please produce all documents reflecting any reports filled out exposure to asbestos by any Tyler Pipe employees.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, 4, and 6. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Defendants also object that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 46:

Please produce all accident reports filled out by Plaintiff's Decedent's foreman, supervisor, or any co-employee dealing with exposure to asbestos.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, 4, and 5. Further, defendant objects that the request is overly broad, unduly burdensome not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendants also object that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents and/or writings relating in whole or in part to the Plaintiffs Decedent's exposure to products containing asbestos or silica.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome, not properly limited in time of scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167. Defendant objects that this request is an impermissible fishing expedition.

REQUEST FOR PRODUCTION NO. 48:

Please produce all witness statements dealing in whole or in part with any allegations or defenses made in this case or to the Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request because it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents which reflect the names and job titles of the individuals that were working the same shift and within 150 feet of Plaintiff's Decedent at any time Plaintiff's Decedent was exposed to products containing asbestos or silica.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures. Defendant also objects that this is not a proper request under Rule 167. Defendant objects to the inquiry about silica.

REQUEST FOR PRODUCTION NO. 50:

Please produce all documents that identify the individuals who were present in the area, provided aid to the Plaintiff's Decedent, witnessed, and/or heard the incidents which form the basis of this lawsuit.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 51:

Please produce the complete worker's compensation file relating to Plaintiff's Decedent.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 6. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 52:

Please produce all organizational charts, or any similar documents, of the defendant that have been prepared at any time in the past.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome, not properly limited in time or scope and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 53:

Produce all documents which evidence Defendant's purchase, acquisition, sale, lease, or transfer of ownership (in whole or in part) of Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 54:

Please produce all Articles of Incorporation of the defendant.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 55:

Please produce all name change forms filed by the defendant with any state department.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO.56:

Please produce all documents filed by the defendant with any state department making a change in the defendant's corporate structure and/or name.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant

objects that this request is an impermissible fishing expedition. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 57:

Please produce all corporate documents filed on behalf of the Defendant with any governmental agency or body.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that the request seeks information exempted from discovery as work product, party communications, and under the investigative privileges or the attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents and/or writings that reflect the names, addresses, telephone numbers, and job titles of the officers, directors and shareholders of defendant during the time period from 1971 through and including the present date.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 59:

Please produce all documents and/or writings reflecting the employment agreements of defendant's officers, directors and management personnel from 1971 through and including the present date.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not

reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 60:

Please produce all documents and writings, including but not limited to corporate minutes and board agendas, dealing in whole or in part with the purposes and objectives related to the decision to form the defendant company, including but not limited to documents of any kind or nature which discuss existing, potential or future liabilities to third persons.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Finally, defendant objects to this request because it seeks information exempted from discovery as attorney work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3(a), (b), (c), and (d) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 61:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects to the phrase "hazards of asbestos."

REQUEST FOR PRODUCTION NO. 62:

Please produce all corporate minutes of the defendant dealing with the job duties and responsibilities of defendant's officers, directors and management personnel from 1971 through and including the present date.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 63:

Please produce all quarterly filings with attachments filed with the Texas Employment Commission by defendant from 1971 to 1996.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 64:

Please produce the complete personnel file of Gene Mason.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST FOR PRODUCTION NO. 65:

Please produce all the complete personnel file of Earl Davis.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST FOR PRODUCTION NO. 66:

Please produce all the complete personnel file of Charles Kuenemann.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST FOR PRODUCTION NO. 67:

Please produce all the complete personnel file of Richard Barnett.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST FOR PRODUCTION NO. 68:

Please produce all the complete personnel file of Jack Chelf.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST FOR PRODUCTION NO. 69:

Please produce all the complete personnel file of Whan Boza.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant objects that the request seeks confidential information about the individual.

REQUEST-FOR PRODUCTION NO. 70:

Please produce all memorandum and reports authored or prepared by Mr. James Pleasant, attorney at law, referred to on pages 15 and 16 of the deposition of Mr. James Russell taken on September 27, 1995 in the Castillo case.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 71:

Please produce all documents, including but not limited to tax returns and schedules, filed with the Internal Revenue Service of the United States from 1990 through 1996 with attachments.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request because it seeks confidential and sensitive financial information of the defendant.

REQUEST FOR PRODUCTION NO. 72:

Please produce all documents filed with the Securities and Exchange Commission by or on behalf of Tyler Pipe Industries Inc., and Tyler Pipe Industries of Texas, Inc., and any parent or subsidiary thereof, from 1980 through the present date, with all attachments.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 73:

Please produce all documents which evidence any punitive damage awards made against the Defendant in any suit pertaining to asbestos exposure, and all documents evidencing whether or not said awards have been paid in whole or in part.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 74:

Please produce all annual reports and letters to the shareholders from Tyler Pipe Industries, Inc. from 1970 through the present date.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, unduly burdensome, overly broad, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 75:

Please produce the consolidated balance sheets for defendant from 1971 through and including the present date, and a current financial statement, and produce all documents including work-papers used in preparation of said consolidated balance sheets and financial statement.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally, defendant objects to this request because it seeks confidential and sensitive financial information of the defendant.

REQUEST FOR PRODUCTION NO. 76:

Please produce all corporate organizational charts for (a) Tyler Pipe Industries, Inc., Corporate Charter number 75-1225029; (b) Tyler Pipe Industries, Inc., Corporate Charter number 75-1443028; and Tyler Pipe Industries of Texas, Inc. Corporate Charter number 75-0624860.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 77:

Please produce all documents filed with any Secretary of State and/or governmental agency dealing with the formation, corporate structure, corporate change, name change and/or formation of (a) Tyler Pipe Industries, Inc., Corporate Charter number 75-1225029; (b) Tyler Pipe Industries, Inc., Corporate Charter number 75-1443028; and Tyler Pipe Industries of Texas, Inc. Corporate Charter number 75-0624860.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 78:

Please produce all policies, procedures, manuals, hand books, memorandums, interoffice correspondence which in any way pertain to safety which were published, authored and/or written by Defendant.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 79:

Please produce all policies, procedures, hand books, manuals, interoffice correspondence or memorandums published and/or authored by the Defendant that deal, in whole or in part, with the corporate structure or methods of management of the Defendant.

RESPONSE:

Defendant incorporates its General Objections 1, 2, and 3. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 80:

Please produce all documents described and identified in a book entitled "Reorganization of Tyler Pipe Industries, Inc." dated December 26, 1992, including all drafts thereof.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167. Finally, defendant objects that there is no index on Exhibit attached to the request.

REQUEST FOR PRODUCTION NO. 81:

Please produce all dust monitoring and analyses which have been performed at the Tyler Pipe Facility in Smith County, Texas, at any time in the past, including but not limited to the results of said monitoring and underlying data.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 82:

Please produce all documents relating in whole or in part to any asbestos abatement that has taken place at the Tyler Pipe Facility in Smith County, Texas, at any time in the past including but not limited to contracts, photographs, drawings, bills of lading, purchase orders, invoices, notes, letters, reports, studies, etc.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably

calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 83:

Please produce all documents relating to any purchase or acquisition of asbestos or asbestos-containing products used at Tyler Pipe Facility in Smith County, Texas from the date of Plaintiff's Decedent's arrival at the Tyler Pipe Facility until the present.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 84:

Please produce all documents relating to any purchase or acquisition of "masks", "hoods", respirators or any other respiratory devices used at Tyler Pipe Facility in Smith County, Texas from the date of Plaintiff's Decedent's arrival at the Tyler Pipe Facility until the present.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 85:

Please produce all documents relating to any purchase or acquisition of silica or silica-containing products used at Tyler Pipe Facility in Smith County, Texas from the date of Plaintiff's Decedent's arrival at the Tyler Pipe Facility until the present.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures.

Defendant further objects on the ground that providing the requested information, if that is even possible, would subject Defendant to undue and unnecessary expense and inconvenience and would require an inordinate and unnecessary expenditure of time and resources. These burdens greatly outweigh any probative value or benefit such information would have to Plaintiff. Defendant further objects on the grounds that Plaintiff, by this Request, seek to conduct a fishing expedition, which is an improper and impermissible use of a discovery.

REQUEST FOR PRODUCTION NO. 86:

Produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 88:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 89:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 90:

Produce all documents relating to the purchase or acquisition of asbestos products for use at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to alleged exposures and plaintiff's work area.

REQUEST FOR PRODUCTION NO. 91:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to the alleged exposures and plaintiff's work area.

REQUEST FOR PRODUCTION NO. 92:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 1, 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to the alleged exposures or plaintiff's work area.

Defendant further objects on the ground that providing the requested information, if that is even possible, would subject Defendant to undue and unnecessary expense and inconvenience and would require an inordinate and unnecessary expenditure of time and resources. These burdens greatly outweigh any probative value or benefit such information would have to Plaintiff. Defendant further objects on the grounds that Plaintiff, by this Request, seek to conduct a fishing expedition, which is an improper and impermissible use of a discovery.

REQUEST FOR PRODUCTION NO. 94:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to similar injuries or exposures.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Furthermore, defendant objects that plaintiff has failed to specify or describe his alleged personal injuries or exposures and have failed to limit the scope of this request to the alleged exposures or plaintiff's work area.

REQUEST FOR PRODUCTION NO. 96:

Produce all documents relating to any individuals who claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims, and complaints of any kind made by or to any person (including union representatives) regarding safety conditions or work place conditions at the Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit. Finally,

defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

RESPONSE:

Defendant incorporates its General Objections 2, 3, 4, and 6. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 98:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your testifying experts, or non-testifying experts whose opinions or work-product has been reviewed by a testifying expert, that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Defendant incorporates its General Objections 2 and 3. Defendant further objects to the request to the extent it exceeds the scope of permissible discovery as to experts under the Texas Rules of Civil Procedure. Further, defendant objects that the request is overly broad, unduly burdensome, not properly limited in time or scope, and not reasonably calculated to lead to the discovery of admissible evidence in this lawsuit.

REQUEST FOR PRODUCTION NO. 99:

Produce all documents which you contend are relevant to or which support or refute any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, and unduly burdensome. Finally, defendant objects to this request to

the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

REQUEST FOR PRODUCTION NO. 100:

Produce documents between Defendant and any of its worker's compensation, property or liability insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant incorporates its General Objections 2, 3, and 4. Further, defendant objects that the request is ambiguous, overly broad, unduly burdensome, not properly limited in time, and not reasonably calculated to lead to discovery of admissible evidence. Finally, defendant objects to this request to the extent it seeks information exempted from discovery as work product, party communications, or under the investigative or attorney-client privilege, as set forth in Rule 166b3a, b, c, d, and e of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Civil Evidence. Defendant also objects that this is not a proper request under Rule 167.

Respectfully submitted,

GARDERE & WYNNE, L.L.P.

By: _____

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ATTORNEYS FOR SWAN
TRANSPORTATION COMPANY

CERTIFICATE OF SERVICE

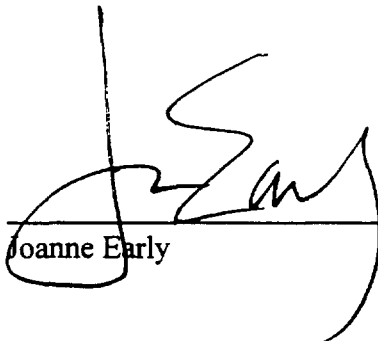
This is to certify that a true and correct copy of the foregoing document has been forwarded via certified mail, return receipt requested to the following counsel of record on this 30th day of November, 1998:

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