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(1922 - 1991)

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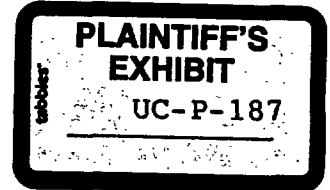
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March 21, 2000



Ms. Holly J.W. Huart
Baron & Budd, P.C.
3102 Oak Lawn Ave., Ste. 1100
Dallas, Texas 75219

VIA CMRRR NO. Z 330 701 309

Re: No. 98-4-13362; Eugene A. Rehak, et al. v. Owens-Corning, et al.; Calhoun County, Texas

Dear Ms. Huart:

Enclosed is a copy of Union Carbide's Second Amended Answers to Interrogatories, Requests for Production and Requests for Admission for Plaintiff William P. Werzecha in the above-referenced case. This copy replaces the copy we provided to you on March 8, 2000 for Plaintiff Eugene Rehak.

Please call me with any questions or comments. Thank you for your assistance.

Sincerely,

Brent M. Karren

BMK/lgv
Enclosures
00100/66121

cc: Court Clerk, 135th District Court for Calhoun County (letter only)

EUGENE A. REHAK, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	CALHOUN COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORPORATION, ET AL.	§	135TH JUDICIAL DISTRICT

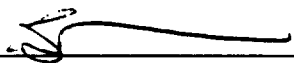
**UNION CARBIDE'S SECOND AMENDED ANSWERS TO INTERROGATORIES,
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION**

TO: Plaintiff, WILLIAM P. WERZECHA, by and through his attorney of record, Mr.
Russell Budd, Baron & Budd, P.C., 3102 Oak Lawn Ave., Dallas, Texas 75219.

COMES NOW, UNION CARBIDE CORPORATION, and files these Second Amended
Answers and Objections to Plaintiffs' First Set of Interrogatories and Request for Production.

Respectfully submitted,

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By: 

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ATTORNEYS FOR DEFENDANT UNION
CARBIDE CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been
forwarded to counsel for Plaintiff, Mr. Russell Budd, Baron & Budd, P.C., 3102 Oak Lawn Ave., Suite
1100, Dallas, Texas 75219 on this 21st day of March, 2000.


BRENT M. KARREN

GENERAL OBJECTIONS

Union Carbide objects to the entire set of Plaintiffs' Interrogatories, Request for Production and First Request for Admissions on the following grounds, which are hereby incorporated by reference in Union Carbide's responses to individual Interrogatories, Request for Production and First Request for Admissions below:

GENERAL OBJECTION NO. 1:

Union Carbide states that trial preparation and factual investigation are ongoing. Union Carbide's answers to these Interrogatories, Request for Production and First Request for Admissions are based on information known to Union Carbide at this time. Union Carbide reserves the right, however to make reference at the trial or at any hearing in this action to facts and documents not identified in these responses, the existence or relevance of which is later discovered by it or its counsel. By this reservation, Union Carbide does not in any way assume a continuing responsibility to update its responses to these Interrogatories, Request for Production and First Request for Admissions, and specifically objects to each of these Interrogatories, Request for Production and First Request for Admissions to the extent that they seek to impose any such continuing obligation upon Union Carbide.

GENERAL OBJECTION NO. 2:

Union Carbide objects to plaintiff's Interrogatories, Request for Production and First Request for Admissions in their entirety on the grounds that they are not reasonably framed in terms of the facts and subject matter of the present action, with the result that Union Carbide is called upon to speculate as to what information relevant to the present case, if any, may be deemed to fall within the scope of the Interrogatories, Request for Production and First Request for Admissions as phrased.

GENERAL OBJECTION NO. 3:

Union Carbide also objects to all Interrogatories, Request for Production and First Request for Admissions insofar as they would require the disclosure of information protected by the attorney-client privilege or work product doctrines.

GENERAL OBJECTION NO. 4:

Union Carbide objects to providing information about any asbestos-containing products, which it has manufactured, sold or distributed, on the grounds that the asbestos fiber in those products was encapsulated by or embedded in other material and on the grounds that the plaintiff has made no allegation of exposure to those products. According to Union Carbide's best presently available information, these products consist of the following: a tree sprout inhibitor used primarily to inhibit growth on telephone poles; a phenolic molding compound used in electronic parts and products such as switches and radios; a thermoplastic molding material used primarily in camera cases; Prestone radiator products; acetylene cylinder liners; a scarfer machine; a heat

exchanger; and, possibly, certain polyethylene and polystyrene products sold in limited quantities on an experimental basis. Union Carbide no longer manufactures any of the above products. From 1963 until June 30, 1985, Union Carbide mined and sold short fiber chrysotile asbestos initially as "Union Carbide Asbestos" and then under the trade name Calidria (some distributors marketed Calidria under other trade names). All responses to these Interrogatories, Request for Production and First Request for Admissions refer to Calidria asbestos only.

GENERAL OBJECTION NO. 5:

Union Carbide objects to this entire set of Interrogatories, Request for Production and First Request for Admissions to the extent that they call for information about Union Carbide employees or premises, or policies pertaining to Union Carbide employees or premises other than Seadrift, TX. Inasmuch as the plaintiffs do not allege that they or their decedents were ever employed by Union Carbide or worked at any job site controlled by Union Carbide other than Seadrift, TX, such information is irrelevant and immaterial to matters at issue in this case. Any pertinent information which the employee or premises information can be said to reflect can be requested directly without requesting the irrelevant and immaterial information or documentation about employees or premises.

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 jobs held when working for Defendant.

RESPONSE: UCC refers Plaintiff to prior discovery (Interrogatory No. 1) pertaining to the Seadrift plant.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE: Admitted. At times during the operation of Union Carbide facilities, UCC acquired some such products in acceptance with state-of-the-art safety and operation practices for industrial facilities. See Request for Production No. 44.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1959 and 1978.

RESPONSE: Admitted. At times during the operation of Union Carbide facilities, UCC acquired some such products in acceptance with state-of-the-art safety and operation practices for industrial facilities. See Request for Production No. 44.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who installed these products
- e. The first year each product was no longer installed on Defendant's Premises.

RESPONSE: Union Carbide objects to this Interrogatory to the extent it is duplicative of Plaintiff's prior interrogatories propounded to Union Carbide (Interrogatory No. 9). Subject thereto, Union Carbide states that it began the discontinuation of the use of asbestos-containing products over twenty years ago and will be unable to provide an all-inclusive list of each specific product, each specific location where asbestos may have been installed, by whom the product was installed, and the date the product was discontinued. In general, UCC previously used asbestos-containing insulation and related products to provide thermal insulation in accordance with state-of-the-art industrial practices. Union Carbide states further that several contractors worked on-site for Carbide at the Seadrift plant, including H.B. Zachry, Brown & Root, and others, some of whom may have employed insulators. UCC refers Plaintiffs to previously produced documents. Contractors provided the insulation according to UCC's best information the products include products manufactured by Carey-Canada and OCF, as well as others.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE: Defendant has previously responded to this request for the Seadrift plant (Request for Production No. 19) and produced any responsive documents in its possession.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE: Denied. Defendant has made reasonable inquiry and has no information that Plaintiff was an employee of Defendant or what the conditions of his employment, if any, may have been. Subject to its objections, UCC admits that generally it was foreseeable that asbestos-containing products might be removed, replaced or repaired. See Response to Request for Admission No. 1 and Interrogatory No. 2.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of abatement procedures;
- c. State which asbestos-containing products were abated.

RESPONSE: Union Carbide objects to this Interrogatory because it is duplicative of previously propounded discovery (Interrogatory No. 10 and Requests for Production Nos. 6 and 8). Subject to the foregoing, Union Carbide states it has conducted abatement proceedings and has previously responded to this request by producing all responsive documents in its possession.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE: See response to Interrogatory No. 3 herein.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: UCC has made reasonable inquiry and has insufficient information to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: See above response.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's premises.

RESPONSE: See above responses.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1959 and 1978, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE: Union Carbide objects to this request to the extent it seeks information which is not relevant and will not lead to relevant evidence. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996) Union Carbide states further, subject to its objections, that it has previously produced any and all responsive documents in its possession relating to the installation and/or removal of asbestos by contractors at its Seadrift facility. See UCC's response to Interrogatory No. 2.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1959 and 1978 and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed
- c. Identify your employee responsible for monitoring, verifying or instructing concerning these services to be performed by such contractors.

RESPONSE: Union Carbide objects to this Interrogatory because it seeks information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects further because it is over broad and constitutes an impermissible fishing expedition. *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996). Union Carbide states further, subject to its objections, that it has previously produced all responsive documents in its possession relating to asbestos usage, installation and/or removal by contractors. See response to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1959 and 1978, including but not limited to, invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE: Union Carbide objects to this request to the extent it seeks information which is not relevant and not calculated to lead to the discovery of relevant evidence. Union Carbide further objects to the extent the request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996) Subject to its objections, Union Carbide states it has previously produced all responsive documents in its possession relating to the usage, installation and/or removal of asbestos including any documents pertaining to contractors engaged in that work. See response to Interrogatory No. 2.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1959 and 1978.

RESPONSE: Union Carbide objects to this Interrogatory because it lacks specificity or is vague and unclear and Union Carbide has no means to identify the information which Plaintiff requests.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: UCC has made reasonable inquiry but has insufficient information to admit or deny this request.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE: See above response.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Pasadena, Texas and Port Lavaca, Texas? If the answer is anything other than no, identify each and every fact which supports this contention.

RESPONSE: Union Carbide objects to this request because it is over broad and improperly seeks all factual assertions and a marshaling of proof supporting Carbide's contentions. TRCP 1971. Union Carbide also objects to the extent this request is premature because UCC will not have any information until discovery has been accomplished. UCC states further subject to its objections that it cannot make any contentions about where Plaintiff worked and what he may have been exposed to because it is without sufficient information. UCC does not admit that Plaintiff was exposed to asbestos while at the Seadrift plant, if in fact he worked at that location. Union Carbide further refers Plaintiff to its general statements which indicate that these responses pertain to Union Carbide's Seadrift facility only.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE: UCC has made reasonable inquiry and has no information to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE: UCC has made reasonable inquiry and has no information to either admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1959, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Subject to its objections, UCC responds as follows: UCC denies that it was aware that certain overexposures in certain circumstances could pose health risks. UCC lacks information that in 1959, it possessed information that any asbestos exposure posed a danger of asbestos-related disease or injury. UCC admits that it was aware that excessive exposure to dust generally, of any source poses a health hazard. Union Carbide's knowledge concerning potential

health hazards possibly associated with excessive asbestos fiber inhalation developed gradually. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. Upon the plaintiff's request, copies of such reports and memoranda, which Union Carbide has located, will be made available at a suitable time and place for review and duplication by the plaintiff. Union Carbide recognizes that the excessive inhalation of asbestos fiber may be associated with the development of serious and potentially fatal disease. Union Carbide also understands that the onset and development of such disease in a person may be related to and affected by, among other factors: the particular type of fiber that is inhaled; cigarette smoking; and environmental conditions, in addition to the person's medical history and condition.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: UCC objects to the extent the request seeks all documents supporting UCC's contentions or allegations and improperly requires Defendant to marshal evidence. Subject thereto, Plaintiff is referred to previously produced documents including UCC's repository for asbestos-related documents. Union Carbide maintains a repository of asbestos related documents. Any documents responsive to this request, or containing responsive information, still accessible to Union Carbide would be contained in Union Carbide's repository of asbestos-related documents and material. The repository is located at the offices of Kelley Drye & Warren, LLP. Mrs. Virginia M. Ruszczyk, a legal assistant, with Kelley Drye and Warren, LLP, serves as the Custodian of Documents for the Repository. Upon plaintiffs request, Union Carbide will make its Repository available to plaintiffs for review and replication at a suitable time and place.

REQUEST FOR ADMISSION NO. 9:

Admit the Defendant was aware of the presence of and/or the use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was employed by Defendant.

RESPONSE: Union Carbide can neither admit nor deny this request as drafted because it has insufficient information to establish if and when Plaintiff was employed by Union Carbide and it has made a reasonable effort to ascertain this information. Subject to the foregoing, Union Carbide admits that it was aware of the presence of asbestos in its facility during the usage of the material and during abatement procedures.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.)

taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE: UCC refers Plaintiff to previously produced documents where responsive materials may be located.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

RESPONSE: With regard to the time period that Union Carbide was still using asbestos-containing products, Union Carbide has insufficient information to answer this interrogatory specifically with regard to Plaintiffs. See Request for Admissions Nos. 9 and 10. During that period, UCC may have provided materials related to asbestos to independent contractors and employees and these documents, to the extent they are in UCC's possession have been previously produced to Plaintiff. With regard to the time period that UCC was conducting abatement procedures, the best information currently available to UCC indicates that it did provide warnings to workers on its premises, and to the extent that any documents reflecting or relating to those warnings are in UCC's possession, they have been previously produced to Plaintiff.

REQUEST FOR PRODUCTION NO. 12:

Produce all such warnings.

RESPONSE: See response to Interrogatory No. 7 herein. Union Carbide refers Plaintiff to its previously produced documents and to its repository for asbestos-related documents which has been made available to Plaintiff.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE: Union Carbide can neither admit nor deny this request because it does not have sufficient information and it made a reasonable effort to ascertain such information as it does not know if and when Plaintiff worked at its Seadrift facility. Subject to this objection, please refer to UCC's responses to Interrogatory No. 7 and Request for Production No. 12 herein.

REQUEST FOR PRODUCTION NO. 13:

If you deny the foregoing, produce all such warnings.

RESPONSE: Union Carbide refers Plaintiff to its responses to Interrogatory No. 7 and to Request for Production No. 12 herein.

INTERROGATORY NO. 8:

Describe the Defendant's safety policy as it related to the use of asbestos-containing materials at jobsites where Defendant's employees were performing services. In your answer, please state:

- a. When, if ever, Defendant's employees were first warned about the hazards of asbestos exposure, and
- b. What instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

RESPONSE: UCC objects to this interrogatory to the extent it is duplicative of previously propounded discovery pertaining to this plant (Interrogatory No. 8). UCC further refers Plaintiff to its responses to Interrogatory No. 7 and Request for Production No. 12 herein. UCC further refers Plaintiff to documents produced previously in this case including its repository for asbestos-related materials.

REQUEST FOR PRODUCTION NO. 14:

Produce all such safety policies.

RESPONSE: See response to Interrogatory No. 8 herein.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Denied.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: Union Carbide objects to this interrogatory to the extent it improperly seeks all factual assertions and a marshaling of proof in support of its contentions. TRCP Rule 197.1 Subject thereto, UCC has no information with which to answer this interrogatory with specificity regarding this Plaintiff. Refer to UCC's response to Interrogatory No. 7 and Request for Admission No. 8 herein.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE: Union Carbide objects to the extent it is over broad, not reasonably limited in time, and not reasonably limited to the Union Carbide Seadrift facility where Plaintiff is claiming exposure. Subject to its objections, Union Carbide states that during the time the Seadrift plant has been in operation, there have been several different safety policies in place which were related to asbestos usage. In previous discovery propounded by Plaintiff pertaining to this plant, Union Carbide produced documents containing all safety policies in its possession and any related documents.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. When the equipment was first provided
- b. To whom the equipment was provided
- c. Under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

RESPONSE: UCC objects to this interrogatory to the extent it is over broad in that it seeks information about safety equipment relating to materials other than asbestos and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing, Union Carbide states it has always provided safety equipment to its employees for protection against numerous hazards in the workplace. In response to previously propounded discovery, UCC has produced all safety policies in its possession relating to the Seadrift plant as well as its repository for asbestos-related documents. Please refer to UCC's response to Interrogatory No. 8 herein.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Union Carbide objects to this request to the extent it is over broad and seeks information relating to the Seadrift plant before the plant was built or in operation. Subject thereto, UCC has made reasonable inquiry and has insufficient information to either admit or deny this request with specificity with regard to the entire time period inquired about. Subject thereto, UCC admits that in general, according to its best information, its contractors were responsible for providing safety equipment to their own personnel, therefore this request is admitted as qualified above.

INTERROGATORY NO. 12:

State 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. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

RESPONSE: Union Carbide objects to this interrogatory as duplicative of previous discovery propounded to and answered by Union Carbide (Interrogatory 12). Subject thereto, UCC refers Plaintiff to its previous responses and documents produced.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at the Union carbide Corporation facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: Union Carbide objects to this interrogatory to the extent it improperly seeks all factual assertions and a marshaling of evidence in support of its contentions. TRCP Rule 197.1. Subject thereto, the best information currently available to Union Carbide indicates that such measurements may have been performed by Defendant, but Union Carbide does not know if such studies were performed by insurance carriers and/or their agents. UCC has previously produced any and all dust counts or air studies in its possession relating to asbestos at the Seadrift plant performed at any time and by any personnel during the operation of the facility.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

RESPONSE: UCC refers Plaintiff to previously propounded discovery and UCC's responses and responsive documents produced thereto.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: UCC objects to this request as over broad to the extent it seeks information about other UCC facilities other than Seadrift and is not limited to a specific time frame. Denied. UCC has made reasonable inquiry and has no information regarding if, when and where Plaintiff worked on its premises. UCC followed and advanced state-of-the-art industrial hygiene and safety practices, and has been recognized as an industrial hygiene leader. The best information currently available indicates that during part of the time it used asbestos-containing materials, UCC did not erect containment barriers. Containment barriers were installed or taken down during the time asbestos was either being removed or installed and as to certain usages, applications or locations. See Request for Admission No. 8.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE: UCC objects to this request in that it does not seek specific documents but rather all documents in support of a contention. Subject thereto, UCC refers Plaintiffs to previously produced documents.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Production No. 15 herein.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: UCC refers Plaintiff to its response to Request for Production No. 15 herein.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: UCC refers Plaintiff to its response and objection to Request for Production No. 15 herein.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: UCC refers Plaintiff to its response and objection to Request for Production No. 15 herein.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: UCC refers Plaintiff to its response and objection to Request for Production No. 15 herein.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

RESPONSE: Please refer to responses to Interrogatory No. 7 and Request for Production No. 12 herein.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers at Defendant's Premises to use respirators? If so, please state:

- a. State when this policy was implemented;
- b. Describe this policy in detail
- c. State to whom it applied (i.e. Defendant employees and contractor employees)
- d. And describe what types and brand names of respirators were required by you.

RESPONSE: UCC refers Plaintiff to previously propounded discovery (Interrogatory No. 13) and states that all documents in UCC's possession relating to this policy and any amendments thereto have been previously produced to Plaintiff.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the worksites where your employees were using asbestos-containing materials, including the worksites where the Plaintiff was present.

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Request for Admission No. 13, Interrogatory No. 7 and Request for Production No. 12 herein.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: See response and objection to Requests for Production No. 15 and No. 12 herein.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Denied. UCC refers Plaintiff to its response and objection to Requests for Admission No. 13 and No. 19.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: UCC refers Plaintiff to its response and objection to Requests for Production Nos. 15 and 12 herein.

REQUEST FOR PRODUCTION NO. 23:

Produce all documents reflecting payments made to contractors between the years 1959 and 1978, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE: Union Carbide objects to this request as over broad in that it seeks information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. UCC has previously produced documents relating to asbestos usage, installation and/or removal. Subject to these objections, UCC has insufficient information relating the identity of Plaintiff's employer(s).

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE: Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. *Esparza v. Diaz*, 802 S.W. 2d 772, 775 (Tex. App. – Houston [14th Dist.] 1990, no writ). Subject thereto, denied.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1959 and 1978, Defendant controlled Defendant's Premises.

RESPONSE: Union Carbide objects to the request to the extent it is vague in that the term "controlled" is undefined and unclear. Subject thereto, admitted as to UCC's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE: UCC objects to this request because it does not seek specific documents but is a request for all documents supporting a contention. Subject thereto, UCC refers Plaintiff to documents previously produced in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1959 and 1978, Defendant managed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request to the extent it is vague in that the terms "managed", "use" and "condition" are unclear and undefined. Subject thereto, admitted except to customary self-management of operations of independent contractors.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: UCC objects to this request because it does not seek specific documents but all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1959 and 1978, Defendant directed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "directed", "use" and "condition" are unclear and undefined. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 25:

Admit that, between 1959 and 1978, Defendant superintended the use or conditions of Defendant's premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "superintended", "use" and "conditions" are unclear and undefined. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 26:

Admit that, between 1959 and 1989, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "restricted", "use" and "conditions" are undefined and unclear. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1959 and 1978, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "regulated", "use" and "conditions" are unclear and undefined." Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: UCC objects to the request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and

independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1959 and 1978, Defendant governed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "governed", "use" and "condition" are undefined and unclear. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1959 and 1978, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "oversaw", "use" and "condition" are undefined and unclear. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift plant.

REQUEST FOR ADMISSION NO. 30:

Admit that, between 1959 and 1978, Defendant administered the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request to the extent it is vague in that the terms "administered", "use" and "conditions" are undefined and unclear. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE: Denied. Union Carbide has made reasonable inquiry and has no information about what or where or for whom Plaintiff's work was performed and can neither admit nor deny this request. Further, Union Carbide objects to this request to the extent it is vague in that the phrase "retained some control over the manner in which Plaintiff's work was performed" is unclear and undefined. Subject thereto, admitted except with respect to customary self-management of operations of independent contractors. See response to Request No. 23..

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1948-1990, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Union Carbide Corporation facility, who were engaged in

activities which could be potentially hazardous to either themselves or Union Carbide Corporation employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: Union Carbide objects to this request as drafted as ambiguous, confusing and unclear in its usage of negatives, and is vague in that it is unclear which Union Carbide Corporation facility is meant. UCC objects further to the extent this interrogatory improperly seeks all factual contentions and a marshaling of evidence in support of its contentions. TRCP 197.1. Subject to its objections, according to UCC's understanding of this interrogatory and assuming that the facility inquired about is the Seadrift facility, UCC states that it retained some latitude to direct its independent contractors in general terms as per *Koch Refining Co. v. Chapa*, ____ S.W.3d ____, ____ (No. 99-0228, Dec. 16, 1999). Specifically, UCC required contractors to adhere to some advanced, state-of-the-art employee safety practices at all employees in the facility in commensurate situations.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: UCC objects to this request because it has made reasonable inquiry and has no information regarding the identity of Plaintiff's employer. UCC objects further to the extent the request is vague in that the phrase "retained some control over the manner in which Plaintiff's employer performed the work" is undefined and vague. Subject thereto, denied. See response to Interrogatory No. 17.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE: UCC objects to this request on the grounds that UCC lacks information that plaintiff worked on premises. See response to Interrogatory No. 17 and Request for Admission No. 32. UCC also objects to this request as vague, undefined and unclear as phrased and does not allow for meaningful admission or denial. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE: UCC objects to the request as vague, undefined and unclear. Subject thereto, denied. See response to Interrogatory No. 17 and Request for Admission No. 32.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: UCC objects to this request because it does not seek specific documents, rather all documents supporting a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: Admitted, prior to UCC's ban on asbestos-containing products in accordance with available information to UCC and state-of-the-art practices.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Please see above response.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Please see above response.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE: Admitted, prior to UCC's ban on asbestos-containing products in accordance with available information to UCC and state-of-the-art practices.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE: Admitted, prior to UCC's ban on asbestos-containing products in accordance with available information to UCC and state-of-the-art practices.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE: Admitted, prior to UCC's ban on asbestos-containing products in accordance with available information to UCC and state-of-the-art practices.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE: Admitted, prior to UCC's ban on asbestos-containing products in accordance with available information to UCC and state-of-the-art practices.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE: Admitted as to UCC's operations and employees, denied as to operations and employees of independent contractors, but see Interrogatory No. 17 and Request for Admission No. 32.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Union Carbide objects to this request because it is over broad and does not seek specific documents but rather seeks all documents relating to a contention. Subject thereto, UCC refers Plaintiff to previously produced documents in this case which include any and all documents relating to UCC and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

RESPONSE: UCC refers Plaintiff to previously answered discovery regarding the Seadrift plant (Interrogatory No. 22) and previously produced documents including the repository for asbestos-related materials.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: UCC refers Plaintiff to its response to Interrogatory No. 18 herein. UCC was never in the asbestos insulation business or the insulation industry. UCC used asbestos fiber as a component in a few specialized products, all discontinued by 1985, and from 1967-1985, UCC mined and milled Calidria, a unique form of chrysotile, with unique chemical and physical properties. Calidria could not be used in or for insulation other than the aforementioned. UCC as an operator of industrial facilities was a consumer of industrial thermal insulation-related products, including asbestos-containing products in order to maintain temperature levels within piping and to protect employees, including contractor employees, in accordance with state-of-the-art practices. UCC possessed none of the specialized knowledge or information allegedly possessed by members of the industrial insulation industry. UCC gained information as it became generally available to industrial consumers. UCC acted in accordance with utmost concern for safety of its own and contractor employees.

Union Carbide's various divisions employ Industrial Hygienists for their respective facilities and premises. Ronald Van Myna currently serves as Vice President in charge of Union Carbide's Community and Employee Health, Safety and Environmental Protection Department which is primarily responsible for establishing corporate HS&EP standards, and for assessing business group performance against those standards and applicable governmental requirements. During the period of the Calidria business, Dr. Harrison Rhodes, an industrial hygienist, supervised Union Carbide's dust count program. See also response to Interrogatory No. 20.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE: UCC admits that it advised its contractors with regard to health and safety procedures, otherwise denied. See response to Interrogatory No. 17.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE: Denied. UCC has made reasonable inquiry and has no information as to the identity of Plaintiff's employer and can therefore neither admit nor deny this request.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Denied. See response to Request Nos. 42 and 43.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: [Union Carbide states that per agreement with the Plaintiffs, no Rule 194 formal disclosure requests were exchanged between Union Carbide and Plaintiffs with the exception of witness lists.] Union Carbide objects to this request because it is over broad and seeks all documents relating to its contentions and not specific documents. *In re American Optical Corp.*, 988 S.W.2d 711, (Tex. 1998) (*per curiam*)

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: UCC objects to this interrogatory as argumentative and assuming facts not in evidence in that it assumes that Plaintiff was exposed to asbestos at its Premises and that he has suffered an asbestos-related injury. Subject to the foregoing, UCC denies that such exposure, if any, was a substantial contributing factor in causing Plaintiff's asbestos-related injury, if any. UCC further objects to this interrogatory to the extent it requests UCC to state all its factual assertions or to marshal its evidence. TRCP 197.1. Subject thereto, UCC refers Plaintiff to its Answer and any amendments thereto, and to its previous document production. See response to Request for Admission Nos. 3 and 13.

REQUEST FOR ADMISSION NO. 45:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury?

RESPONSE: Denied. UCC objects to this request to the extent it is argumentative in that it assumes that Plaintiff was exposed to asbestos at its Premises and that he has suffered an asbestos-related injury. Subject thereto, denied. See response to Request for Admission Nos. 3 and 13.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: UCC refers Plaintiff to its response and objection to Interrogatory No. 19 herein.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Denied. See response to Request Nos. 8, 13 and 41.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Denied. See response to Requests Nos. 8, 13 and 44.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents and rather seeks any and all documents supporting its contentions and is thus over broad. *In re American Optical Corp.*, 988 S.W.2d 711, (Tex. 1998) (*per curiam*). Subject to and without waiving its objections, Union Carbide refers Plaintiff to documents produced previously to Plaintiff.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: UCC objects to this request to the extent it is argumentative and assumes that there was a risk of harm posed to Plaintiff, that UCC failed to reduce or eliminate such risk, and that Plaintiff suffered an asbestos-related injury. Subject thereto, denied. See response to Requests 3, 8, 13 and 44.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Union Carbide objects to this request because does not seek specific documents, rather it seeks any and all documents supporting its contentions and is thus over broad. *In re American Optical Corp.*, 988 S.W.2d. 711, (Tex. 1998) (*per curiam*). Subject to its objections, Union Carbide refers Plaintiff to documents produced previously to Plaintiff.

REQUEST FOR PRODUCTION NO. 49:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE: Union Carbide objects to this request for production to the extent it contains an interrogatory and is not a true document request. *See* TRCP 197.1. Union Carbide objects further to this request because it does not seek specific documents, rather it seeks documents supporting a contention or allegation and does not seek specific documents or specific categories of documents. *In re American Optical Corp.*, 988 S.W.2d 711, (Tex. 1998) (*per curiam*). UCC objects further to the extent the request assumes Plaintiff worked at UCC's premises. Subject thereto, UCC denies that Plaintiff was exposed to sufficient quantities of asbestos dust to produce the complained of disease(s) and refers Plaintiff to UCC's prior document production. See response to Request Nos. 3, 8, 13 and 44.

REQUEST FOR PRODUCTION NO. 50:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE: UCC objects to this request for production to the extent it contains an interrogatory and is not a true document request. *See* TEX.R.CIV.P. 197.1. UCC objects further to this request because it does not seek specific documents, but all documents supporting a contention. UCC objects further to the extent the request assumes Plaintiff has suffered an asbestos-related injury and that he worked at UCC's Premises. Subject thereto, UCC states that it has no knowledge or information at this time with which to make such a contention and refers Plaintiff to UCC's prior document production. The discovery process and UCC's investigation into this matter remains ongoing. UCC reserves its right to so contend as information warrants.

REQUEST FOR PRODUCTION NO.51:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE: UCC objects to this request to the extent it contains an interrogatory and is not a true request for documents. *See* TEX.R.CIV.P. 197.1. UCC objects further because the request does not seek specific documents and rather seeks all documents supporting a contention. UCC

lacks sufficient information to make such contention, but reserves the right to do so as information becomes available.

REQUEST FOR PRODUCTION NO. 52:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE: UCC objects to this request because it improperly asks whether UCC makes a specific factual contention, which is not a proper request for production. *See* TEX.R.CIV.P. 197.1. UCC further objects to this request to the extent it is over broad and seeks all documents supporting its contentions. Subject thereto, UCC states that it denies Plaintiff was exposed to asbestos dust at its Premises and refers Plaintiff to its previous document production. *See* response to Request Nos. 3, 8, 13 and 44.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE: Union Carbide objects to this request because it is over broad and does not seek specific items or categories of documents. *In re American Optical Corp.*, 988 S.W. 2d 711, (Tex. 1998) (*per curiam*).

REQUEST FOR PRODUCTION NO. 54:

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

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

RESPONSE: See General Objection No. 4. Union Carbide further objects to this Request for Production on the grounds it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this request to the extent it is not reasonably limited to an specific time period. Subject thereto. In general, Union Carbide maintains all records for at least three years. Sales records, dust count reports, customer call reports and other documents pertaining to Union Carbide's former Calidria business, still in Union Carbide's possession, will be maintained for indefinite periods. Sales and other business records are under the control of either counsel for Union Carbide, or Mrs. Virginia M. Ruszczyk, Kelley Drye & Warren, LLP, 101 Park Avenue, 31st Floor, New York, New York 10178.

REQUEST FOR PRODUCTION NO. 55:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE: See General Objection No. 4. Union Carbide objects to this request because it is over broad in that it seeks information relating to facilities other than Seadrift and information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide also asserts the attorney-client privilege with regard to this request. TEX.R.CIV.P. 193.3. Subject to its objections, Union Carbide responds as follows:

Union Carbide maintains a repository of documents and other material containing information pertaining to asbestos or asbestos products. The Repository includes a myriad of documents and other material from Union Carbide's former Calidria business; documents from other former businesses which manufactured products which contained some asbestos; and from Union Carbide facilities which used and removed asbestos insulation and other asbestos products in accordance with the most advanced state-of-the-art industrial practices. The Repository encompasses documents and material generated and received by Union Carbide employees or officials, as well as published articles collected by Carbide employees and officials. This Repository contains information about Union Carbide's former Calidria product and Calidria business; other products formerly sold by Union Carbide which contained an asbestos component; the purchase and use of insulation or other asbestos products for or in Union Carbide facilities; and Union Carbide's health, safety, industrial hygiene practices and policies for both employees, visitors to Carbide premises and customers of Carbide products, and other steps Union Carbide took to insure safety in all respects for all who interacted in any way with Union Carbide, its products or facilities. Union Carbide created this special repository during the onset of asbestos-related litigation, when Union Carbide also implemented a hold order for all such aforementioned material. (Union Carbide has, however, maintained that it has no liability for claims asserted in asbestos litigation because among other reasons, Calidria could not cause the asbestos-related disease; the asbestos fiber in other products was encapsulated or encased and

thus could not cause the asbestos related disease, and Union Carbide never produced or sold asbestos insulation.) The repository consists of approximately two hundred thousand (200,000) reams of paper (excluding privileged material) and a limited number of video and other three-dimensional objects.

All material or documents responsive to this request, or containing information responsive to this request, still accessible to Union Carbide would be contained in the office and Repository or the aforesaid files. Upon plaintiffs request, Union Carbide will make its Repository (not including privileged information) available to the plaintiffs for review and replication at a suitable time and place.

Any existing indices for documents related to Union Carbide's Seadrift, TX facility have been reviewed for relevance and have been incorporated into Union Carbide's Repository referred to above, or included as exhibits to these responses. Specific indices of particular files previously maintained by officials or employees in the course of their business have been collected and incorporated into the Repository along with the files to which the indices respectively refer. According to Union Carbide's best information, there exists no indices specifically pertaining to documents relevant to use of asbestos in the Seadrift, TX plant. No master index for the Repository described above has been created. Union Carbide attorneys or legal assistants reviewed and logged in material as it was obtained and added to the Repository. Such logs, however, are privileged as attorney work product.

INTERROGATORY NO. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

RESPONSE: Union Carbide has previously produced in this case all such responsive documents in its possession. If UCC has access to information relating to who received, maintained, reviewed or disseminated such materials, it is reflected on those documents. Union Carbide maintains a repository of asbestos related documents. Any documents responsive to this request, or containing responsive information, still accessible to Union Carbide would be contained in Union Carbide's repository of asbestos-related documents and material. The repository is located at the offices of Kelley Drye & Warren, LLP. Mrs. Virginia M. Ruszczyk, a legal assistant, with Kelley Drye and Warren, LLP, serves as the Custodian of Documents for the Repository. Upon plaintiffs request, Union Carbide will make its Repository available to plaintiffs for review and replication at a suitable time and place. The following is a responsive listing of books, studies, and limited issue reports which are on file in Union Carbide's corporate library in Danbury. Additional material may be also kept at more or other libraries:

1. Acrylamide - Exposure to N10SH - STD.
2. Agricultural Products - Emergency Response Plan - Union Carbide.
3. Agricultural Products - 1983 Chemical Guide.

4. Albanes (C5-C8) Exposure to N10SH.
5. Allyl Chloride - Exposure to N10SH STD.
6. American Hospital Association. Guide to Health Care - 1985.
7. The Apocalypics - Edith Efron
8. Asbestos Standard
9. Benzyl Chloride - Exposure to N10SH STD.
10. Benzoyl Peroxide - Exposure to N10SH STD.
11. British Journals of Industrial Medicine 2/86.
12. Carlon Black - Exposure to N10SH STD.
13. Carbaryl - Exposure to N10SH STD.
14. Carlon Disulfide: EHC10.
15. Carlon Disulfide: Exposure to N10SH STD.
16. Carcinogens, First Annual Report on (July, 1980, Vol. 1, Vol. 11, Dept. of Health and Human Services.
17. Chemical Hazards of the Workplace, Hughes Proctor.
18. Chloraprene, Exposure to N10SH STD.
19. Clinical Diagnosis - by lab methods - Henry & Davidsohn
20. Clinical Handbook of Economic Poisons (Emergency Information and Treatment).
21. Clinical Toxicology of Commercial Products. Gasoline, Smith & Hodge.
22. Clinical Symposia - CIBA.
23. Cobalt - Criteria for Controlling Occupational Exposure to N10SH STD.
24. Cobalt - Exposure to N10SH STD.
25. Contact Directory (UCC Chemicals & Plastics).
26. Corporate Medical Department - Background Information -UCC.
27. Dinitro-Ortho-Cresol - Exposure to N10SH STD.
28. Directory - U.S. Based Agencies involved in International Health Assistance - National Counsel for Int'l Health.
29. Directory of Medical Specialists - 22d Edition - (1985-86) (Marquis, Who's Who).
30. Disability Prevention: The Global Challenge - Wilson.
31. Diseases of the Heart (1, 111) Freiburg - 3d Edition.
32. Doctors of Medicine - Directory of Sept. 1985 - Div. of Health Related Boards.
33. Drug Abuse Program, Developing an Occupation.
34. Electronics Division - Occupational Health Manual.
35. Emergency Cardiac Care - Huszar.
36. Emergency Care (Course Planning Guide) Murray, Grant
37. Emergency Medicine, Attos of Rosen & Steinbach.
38. Employees Handbook - UCC.
39. Employee Health (Linde Shea) Linde Div., UCC.
40. Environmental Affairs Manual - UCC.
41. Ether Oxide, Health Assessment Document for
42. Ethyl Oxide Worker Safety Issues (Rep. #83-2).
43. Ethylene Dibromide - Exposure to N10SH STD.
44. Ethylene Dichloride (1,2 Dichloroethane) Exposure to N10SH STD.
45. Ethylene Oxide Sterilization - Exposure to N10SH STD.
46. Ethylene Oxide Std.

47. Ethylene Oxide Sterilization - In Hospital.
48. Ethylene Oxide Worker Safety Issues.
49. Eveready Battery - Engineering Data.
50. Exposure to Mutagenic & Reproductive Hazards - Arthur Bloom, M.D.
51. Exposure Standard - UCC.
52. Follow-up of Cancer (Physicians Handbook) (2d Edition - 1983).
53. Foodborne Disease & Food Safety - American Medical Association - 198 1.
54. Fractures & Dislocations, Management of, Vols. I & II, 3d Edition - Connolly.
55. Grain, Dust, Fire, Explosion - Exposure to NOSH STD.
56. Guide to evaluation of Permanent Impairment - 2d Edition - American Medical Association.
57. Howard Medical School Health Letter (1985-86).
58. Health Effects Review Board (Toxicology).
59. Health Fitness Center - Emergency Procedure (UCC Manual).
60. Health & Safety Manual - UCC.
61. Hearing Loss (2d Edition) - Drs. J. Sataloff and R. T. Sataloff and L. A Vassalo, M.S.
62. The Heart, J. Willis Hurst.
63. Help Manuals - UCC.
64. Hearing - Conservation & Noise Central Manual - UCC.
65. Home & Auto Products Division - Occupational Health Manual - UCC.
66. How to Choose a Medical Specialty. Anita Taylor.
67. Industrial Toxicology - Fairhall.
68. Industrial Toxicology - Hamilton & Hardy.
69. Industrial Toxicology - Plunhett.
70. Injured Patient, Management of - Norman & Males.
71. Internal Medical Alert - 1986.
72. International Travel Policies - UCC.
73. Kidney or Electrolytes - Norman Deane, M.D.
74. Loss of Hearing Claims - Background of - UCC.
75. Lung Disorders, Occupational - Parker -2d Edition.
76. Material Safety Data Sheets (Linde, Catalysts, Carbon Products, Battery, Home & Auto, Chemicals & Plastics, UMETCO, etc.).
77. Medical Benefits.
78. Medical Letter.
79. Medical Letter (1981 - Vol. 23)
80. Mobile Coronary Care (Fundamentals of Rose & Rose.
81. Medical Dictionary
82. Medical Policies, Procedures & Guidelines - UCC.
83. Metals Division - Occupational Health Manual
84. Mions Annual - 1985
85. Mutagenicity Test Procedures - Author/Editor B.J. Kilbey
86. New England Journal of Medicine - 7/85, 5/85, 12/85, 11/85, 7/85, 10/85, 6/85.
87. Neurologic Exam De Jong.
88. N10SH -Current Intelligence Bulletin (Reprints 1/1 8, 1975-1977).
89. N10SH - Occupational Health Guidelines for Chemical Hazards.

90. Nitrogen Oxides - Exposure to N10SH STD.
91. Nitroglycerin & Ethylene Glycol Dinitrate - Exposure to N10SH STD.
92. Nursing - Standing Orders & Procedure - UCC.
93. Occupational Health - 2 (Approaches To)
94. Occupational Health/Medicine Manuals - UCC.
95. Occupational Lung Diseases - Margon & Seaton.
96. Occupational Medicine - State of the art reviews R.N. Adams. M.D. - Editor.
97. OSHA Hazard Communication.
98. OSHA - Occupational Health Guidelines for Chemical Hazard.
99. Patty's Industrial & Hygiene Toxicology (3d Edition) Clayton, Vol's 1, 2A, 2B, 2C.
100. Permanent Impairment - Guide to Evaluation - 2d Edition American Medical Association.
101. Phenol - Exposure To - N10SH STD.
102. Physicians Desk Reference - 1986.
103. Phosphorus & Phosphine in Air - Exposure to N10SH Std.
104. Physicians Directory of Consultative Service (Yale).
105. Polychlorinated Bisphenyls (PCB's) Exposure To N10SH -STD.
106. Preventive Medicine (5/86).
107. Proctology, A method of - Macleod.
108. Product Safety/Liability Manual - UCC.
109. Public Health Code - 1980 - State of Connecticut.
110. Public Health & Preventive Medicine - 11th Edition - Lost, J.M.
111. Radionuclide Contamination, Management of -.
112. Red Book (1982) Representative of Committee on Infectious Disease - American Academy of Ped.
113. Refined Petroleum Solvents - Exposure to NOSH STD.
114. Reproductive System, Effects of Toxic Chemicals on American Medical Association - 1985.
115. Respiratory Disease, American Revolution of - (Volume 13 1, April 1985).
116. Respiratory Disease - Emergency Treatment of Acute Stinger.
117. Safety, Health & Accident Prevention Procedures (Basic Guide) UCC.
118. Safety, Health & Loss Control Manual - UCC.
119. Safety, Health & Related Affairs Technical Manual - UCC.
120. Safety Manual - UCC.
121. Site Visit Reports (Books 1-4 - By Division - UCC).
122. Sudden Coronary Death - NY Academy of Science - Volume 382.
123. Sulfur Oxides & Related Particulates - 1978 - Environmental Effects of
124. The 36 Hour Day - Mac/Robbins.
125. Tetrachlorethan - Exposure to - N10SH STD.
126. Tolioine - Exposure to N10SH STD.
127. Toxic Substance Control (Source Book) Center for Compliance Information.
128. Toxicology Assessment & Advisory Committee (Vols. 1-4).
129. Toxicology & Biochemistry of Aromatic Hydrocarbome, H.W. Gerarde.
130. Trauma Patient, Initial Management of - Frey.
131. Tropical Medicine - 5th Edition - Hunter/Swartzwelder/Clyde.
132. Tropical Medicine, New Developments is National Council for Health.

133. Vanadium - Exposure to NIOSH STD.
134. Word Processing Manual - UCC.
135. Waste Anesthetic Gases & Vapors - Exposure to - NIOSH STD.
136. The Journal of the Society of Occupational Medicine.
137. The Lancet
138. Mayo Clinic Proceedings.
139. The New England Journal of Medicine.
140. Occupational Hazards
141. Occupational Health & Safety
142. Preventive Medicine - American Health Foundation.
143. The Medical Letter - On Drugs & Therapeutics.
144. NIOSH - Technical Reports.
145. NIOSH - Research Reports.
146. NIOSH - Criteria Reports.
147. NIOSH - Survey Reports.
148. NIOSH - Health Safety Guides.
149. NIOSH - Self-Evaluation Reports.
150. Electric Power Research Institute Studies.
151. Jarc Monograph Series.
152. National Council on Radiation Protection and Measurement Series.

The following is a sample subscription list, containing some possibly pertinent periodicals which the library subscribed to in 1976. If information for other years or other particular information is specifically requested, Union Carbide will attempt to locate such information and provide it to the plaintiff.

Sample Subscription List

A. 1. Ch. E. Journal

A.I.M.E. Society of Mining Engineers Transactions
 Academy of Sciences of the U.S.S.R. - Earth Sciences Section
 Acta Metallurgica
 Air Pollution Control Association Journal
 Aluminum and Supplement in English
 American Association of Petroleum Geologists Bulletin
 American Ceramic Society Bulletin
 American Ceramic Society Journal
 American Chemical Society Journal
 American Journal of Science
 American Mineralogist
 Analyst
 Analytica Chimica Acta
 Analytical Chemistry
 Applied Spectroscopy
 Archiv fur das Eisenhüttenwesen

Australasian Institute of Mining and Metallurgy Proceedings
Australian Institute of Metals Journal
Australian Mining
Automotive Engineer
British Ceramic Society Transactions
Canadian Chemical Processing
Canadian Journal of Chemical Engineering
Canadian Journal of Earth Sciences
Canadian Metallurgical Quarterly
Canadian Mineralogist
Canadian Mining and Metallurgical Bulletin
Canadian Mining Journal
Cast Metals Research Journal
Chemical Engineering
Chemical Engineering Progress
Chemical Engineering Science
Chemical Geology
Chemical Instrumentation
Chemical Reviews
Chem Tech
Chemistry and Industry
Clays and Clay Minerals
Contributions to Mineralogy and Petrology
Economic Geology
Electrochemical Society Journal
Energy Pipeline and Systems
Engineering
Engineering and Mining Journal
Environmental Science and Technology
Foundry
Foundry Trade Journal
Fuel
Geochemistry International
Geochimica et Cosmochimica Acta
Giessereiforschung
Harvard Business Review
High Temperature
Indian Institute of Metals Transactions
Industrial and Engineering Chemistry, Fundamentals
Industrial and Engineering Chemistry, Process Design and Development
Industrial and Engineering Chemistry, Product Research and Development
Industrial Heating
Industrial Laboratory
Industrial Minerals
Inorganic Chemistry

Inorganic Materials
 Institute of Metals Journal
 Institution of Mining and Metallurgy A. Mining Industry
 Institution of Mining and Metallurgy B. Applied Earth Science
 Institution of Mining and Metallurgy C. Mineral Processing & Extractive Metallurgy
 Instrumentation Technology
 Internet Bulletin
 International Chemical Engineering
 International Journal of Mineral Processing
 International Journal of Powder Metallurgy
 International Metallurgical Reviews
 Iron and Steel International
 Iron and Steel Engineer
 Iron and Steel Institute Journal
 Iron and Steel Institute of Japan Transactions
 Ironmaking and Steelmaking (formerly ISI Journal)
 Journal du Four Electrique
 Journal of Analytical Chemistry, USSR
 Journal of Applied Chemistry and Biotechnology
 Journal of Applied Chemistry, USSR
 Journal of Chemical Thermodynamics
 Journal of Colloid and Interface Science
 Journal of Geochemical Exploration
 Journal of Geology
 Journal of High Temperature Science
 Journal of Inorganic and Nuclear Chemistry
 Journal of Materials Science
 Journal of Metals
 Journal of Petrology
 Journal of Physical Chemistry
 Journal of Scientific Instruments Journal of Scientific Instruments Journal of Steel Castings Res.
 Journal of the Less Common Metals
 Journal of Thermal Analysis International
 Light Metal Age
 Materials Engineering
 Materials Research Bulletin
 Metal Bulletin, London
 Metal Progress
 Metal Science Journal
 Metallography, An International Journal
 Metallurgia and Metal Forming
 Metallurgical Transactions
 Metallurgist
 Metallurgist and Materials Technology
 Metals and Materials

Metals Technology (London)
Mineralium Deposita
Microscope
Mineralogical Magazine
Mineralogical Record
Minerals Processing
Minerals Science and Engineer
Mines Magazine
Mining Congress Journal
Mining Engineering
Mining Magazine
Modern Castings
NIM - National Institute for Metallurgy
Nature
New Scientist
Norsk Geologisk Tidsskrift
Oil and Gas Journal
Oxidation of Metals
Physics of Metals and Metallography
Platinum Metals Review
Powder Metallurgy
Powder Metallurgy, International
Processing
Refractories
Remote Sensing of Environment
Research Management
Review of Scientific Instruments
Rocks and Minerals
Russian Castings Production
Russian Chemical Reviews
Russian Journal of Inorganic Chemistry
Russian Journal of Physical Chemistry
Russian Metallurgy (Metally)
Scandinavian Journal of Metallurgy
Science
Scientific American
Separation Science
Simulation
Skillings' Mining Review
South African Institute of Mining and Metallurgy
Spectrochimica Acta
Stahl und Eisen
Steel in the USSR
Talanta
TAPPI

Thermochimica Acta
Thirty-three Magazine of Metals Producing
Tsvetnye metally (in English)
Vacuum
Water and Wastes Engineering
Welding Engineer
World Mining
X-Ray Spectrometry
Zeitschrift fur metallkunde

REQUEST FOR PRODUCTION NO. 56:

Produce the written materials referred to in the interrogatory above.

RESPONSE: Refer to response to Interrogatory No. 20 herein.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE: Admitted to the extent asbestos may be in place at the Premises, otherwise denied. UCC commenced abatement in Seadrift as part of corporate-wide abatement. The abatement remains ongoing. However, safety practices combined with abatement to date prevent asbestos fiber inhalation by UCC or contractor employees.

REQUEST FOR ADMISSION NO. 52:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Admitted to the extent asbestos is no longer installed on its Premises. See response to Request No. 51.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Union Carbide objects to this request because it is duplicative of discovery previously propounded to Union Carbide to which Carbide has responded. UCC refers Plaintiff to previously produced documents where any such responsive items may be located.

REQUEST FOR PRODUCTION NO. 58:

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: Union Carbide objects to the extent this request is duplicative of previous discovery requests. Subject thereto, UCC refers Plaintiff to documents produced in this case including UCC's repository for asbestos-related materials which has been made available to Plaintiff. See also Union Carbide's response to interrogatory No. 20. Union Carbide was a member of the Industrial Health Foundation, the American Industrial Health Association and Asbestos Information Association/North America. Union Carbide may also have cooperated with work undertaken by the Pneumoconiosis Research Council of the United Kingdom, The Organization Resources Recovery Organization, and the Insulation Industry Hygiene Research Program. Union Carbide or Union Carbide personnel also participated in activities of the National Safety Council. Union Carbide has no presently available record of association with any other organization listed in the plaintiffs request. Union Carbide responds that it presently can find no documents relating to the IF in its files. Union Carbide also has in its possession a copy of at least one edition of the newsletter published by the Insulation Industry Hygiene Research Program. In addition, Union Carbide possesses files which may contain miscellaneous correspondence to or from the IAA or other organizations. Upon the plaintiffs request, Union Carbide will make such relevant, non-privileged files available for review and duplication at a suitable time and place.

REQUEST FOR PRODUCTION NO. 59:

Produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health and safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE: Union Carbide objects to this request because it is over broad and constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject to its objections, Union Carbide refers Plaintiff to documents previously produced in this case.

REQUEST FOR PRODUCTION NO. 60:

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: Union Carbide objects to this request to the extent it is duplicative of previously propounded discovery. Subject thereto, Plaintiff is referred to UCC's prior document production and to UCC's repository for asbestos-related documents where responsive materials are located. See also Union Carbide's response to Interrogatory No. 20.

REQUEST FOR PRODUCTION NO. 61:

Produce all contracts or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE: See responses to Interrogatory No. 3 and Request for Production No. 3 herein.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: UCC refers Plaintiff to documents produced previously in this case including its repository for asbestos-related documents.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: See response to Interrogatory No. 3 and Request for Production No. 3 herein.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE: Union Carbide has located no such documents in its possession but if such documents are located they will be produced. See also Union Carbide's response to Request for Production No. 3.

REQUEST FOR PRODUCTION NO. 65:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE: Union Carbide has located no such documents, but if such documents are located they will be produced. See also Union Carbide's response to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 66:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the locations and placement of asbestos-containing products.

RESPONSE: Union Carbide objects to the extent the request is overly broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide refers Plaintiff to its previously filed discovery (Request for Production No. 12).

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: Union Carbide objects to the extent the request is overly broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows: The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained. See also Union Carbide's responses to Interrogatories Nos. 3, 8, 13, 20, 44 and Request for Production No. 3.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such material if and when obtained.

REQUEST FOR PRODUCTION NO. 69:

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: The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained.

REQUEST FOR PRODUCTION NO. 70:

Produce all documents relating to any individuals claimed injury (sic) as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE: The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE: Union Carbide objects to this request to the extent it is duplicative of previously propounded discovery. Subject thereto, UCC refers Plaintiff to documents produced in this case, including its repository for asbestos-related materials where responsive documents are located. See also Union Carbide's response to Interrogatory No. 20.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: Union Carbide objects to the extent the request is overly broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows: Union Carbide possesses personnel and area dust counts taken during abatement. Upon plaintiffs' request, Union Carbide will make such records available.

REQUEST FOR PRODUCTION NO. 74:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, produce

any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE: See Union Carbide's response to Request for Production No. 73.

REQUEST FOR PRODUCTION NO. 75:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE: UCC will produce these documents at a mutually agreeable time at the offices of UCC's counsel of record.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: Union Carbide objects to this request because it is inappropriate. *Texas Tech Univ. Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 504 (Tex. App. – El Paso 1992, orig. proceeding). Union Carbide further objects to this request for any documents supporting its allegations and contentions as over broad. *In re American Optical Corp.*, 988 S.W. 2d 711, (Tex. 1998) (*per curiam*).

REQUEST FOR PRODUCTION NO. 77:

Produce documents between Defendant and any of its workers' compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE: See Union Carbide's response to Interrogatory No. 20. The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such material if and when obtained.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and calls for non-asbestos related policies and practices. Union Carbide possesses corporate-wide safety policies which applied to all premises. See also Union Carbide's responses to interrogatories 3,

18, 13 and 44. The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE: UCC objects to this request as duplicative of previous discovery. UCC objects further to the extent the request is over broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, UCC refers Plaintiff to its previous production of documents where responsive documents are located.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE: Union Carbide objects to the extent the request is overly broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. The discovery process and Union Carbide's investigation remains ongoing. Union Carbide will produce any such additional material if and when obtained.

REQUEST FOR PRODUCTION NO. 81:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

RESPONSE: See Union Carbide's response to Request for Production No. 3. Union Carbide states it does not know when the Plaintiff may have worked at its facility, but will try to locate responsive documents for that period when such information becomes available.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE: UCC refers Plaintiff to previously filed discovery (Request for Production No. 31).

REQUEST FOR PRODUCTION NO. 83:

Produce all documents which evidence Defendant's purchase, acquisition, sale or transfer of ownership of Defendant's premises.

RESPONSE: UCC refers Plaintiff to previously filed discovery (Request for Production No. 32).

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE: UCC refers Plaintiff to previously filed discovery (Request for Production No. 33).

REQUEST FOR PRODUCTION NO. 85:

Produce all contracts pertaining to work done by contractors at Defendant's facilities.

RESPONSE: See response to Request for Production No. 7 herein.

REQUEST FOR PRODUCTION NO. 86:

Produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE: UCC refers Plaintiff to documents previously produced in this case including the repository for asbestos-related materials. See Union Carbide's response to Interrogatory No. 20.

REQUEST FOR PRODUCTION NO. 87:

Produce all documents and other tangible things relating to Plaintiff.

RESPONSE: UCC objects to this request to the extent such materials are equally available to Plaintiff. Subject thereto and to the extent UCC locates any such documents, they will be produced. See Union Carbide's response to Interrogatory No. 3.

Union Carbide - Premise
Docs. produced in the
Martinez Case for the
Brownsville, TX plant