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Date: November 29, 2001

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TO: Dr. Egilman

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FROM: C. Taylor Campbell/Chandra

MESSAGE: Please see attached Union Carbide's Response to Plaintiffs' Second Request for Production

FILE NO.: 0966 - Latham

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CAUSE NO. 15137*BH01

CHARLES R. LATHAM, ET AL

VS.

GARLOCK, INC., ET AL

§
§
§
§
§

IN THE DISTRICT COURT

BRAZORIA COUNTY, TEXAS

23rd JUDICIAL DISTRICT

**UNION CARBIDE CORPORATION'S RESPONSE TO
PLAINTIFFS' SECOND REQUEST FOR PRODUCTION**

COMES NOW DEFENDANT UNION CARBIDE CORPORATION D/B/A
UNION CARBIDE CHEMICALS AND PLASTICS, INC. and files this its responses to
Plaintiffs' Second Request for Production.

Respectfully submitted,

POWERS & FROST, L.L.P.

By:

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ATTORNEYS FOR DEFENDANT, UNION CARBIDE
CORPORATION D/B/A UNION CARBIDE
CHEMICALS AND PLASTICS, INC. COMPANY

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Defendant Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc.'s Responses to Plaintiffs' Second Request for Production was forwarded via facsimile and via certified mail, return receipt requested to Plaintiff's counsel on the 29th day of November, 2001, and that all other counsel of record were forwarded a copy of the cover letter only via regular mail on the 29th day of November, 2001.

By: 

REQUEST FOR PRODUCTION NO. 1

Privilege log.

RESPONSE:

A copy has been provided to your office.

REQUEST FOR PRODUCTION NO. 2

Union Carbide annual reports.

RESPONSE:

Union Carbide annual reports will be made available. *when?*

REQUEST FOR PRODUCTION NO. 3

Union Carbide Board meeting minutes (not limited to Calidria years).

RESPONSE:

Objection. The request is irrelevant, not calculated to lead to the discovery of admissible evidence and overly broad. *Jim says he already rec'd.*

REQUEST FOR PRODUCTION NO. 4

All silica documents. *know of dust hazards, dust diseases*

RESPONSE:

Objection. The request is unduly burdensome, vague, irrelevant and overly broad. Additionally, the request is not restricted to any relevant time period. Union Carbide also objects that this request would require the corporation to search all existing documents for any which related to silica.

REQUEST FOR PRODUCTION NO. 5

OSHA complaints to/of Union Carbide. *relating to asbestos, dust diseases*

RESPONSE:

Objection. The request is overly broad and unduly burdensome. Subject to and without waiving the objection, OSHA complaints regarding asbestos that can be located in existing records retention centers will be made available.

REQUEST FOR PRODUCTION NO. 6

Union Carbide Documents regarding the Kanowa Hawk's Nest disaster and transcripts of Mr. Johnson's trial testimony.

RESPONSE:

The Hawk's Nest facility was sold to an unrelated company in 1981. At the present time these documents are neither in Union Carbide's custody or control nor does Union Carbide know if they exist. Union Carbide will make available non-privileged documents in its files relating to the Hawk's Nest facility.

REQUEST FOR PRODUCTION NO. 7

All Mellon Institute documents and research.

RESPONSE:

Objection. The request is irrelevant and not likely to lead to the discovery of admissible evidence. Tests regarding substances other than asbestos may contain proprietary, confidential or trade secret materials. Subject to and without waiving the objection, Union Carbide has already provided copies of the two asbestos-related Mellon Institute studies.

REQUEST FOR PRODUCTION NO. 8

All Vinyl Chloride documents.

RESPONSE:

Objection. The request is irrelevant and not likely to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 9

All medical report and chest x-rays, death certificates of Dr. Hyde or any other Union Carbide Dr. for Calidria or Union Carbide employees.

RESPONSE:

Objection. The request is overly broad. Additionally, due to federal law prohibitions and confidentiality and privacy concerns, Union Carbide objects to producing any medical information subject to federal law confidentiality regarding present or previous employees.

REQUEST FOR PRODUCTION NO. 10

AIA counter part in Europe and documents from Union Carbide subsidiaries and divisions.

RESPONSE:

- don't limit req. search to US docs

Objection. The request is vague. Union Carbide has no knowledge as to the identity of the "AIA counter part in Europe."

REQUEST FOR PRODUCTION NO. 11

CMA labeling committee minutes.

RESPONSE:

What?
CMA labeling committee minutes in Union Carbide's possession will be made available.

REQUEST FOR PRODUCTION NO. 12

Business records before 1970.

RESPONSE:

their phrase
reason

Objection. The request is vague as the phrase "business records before 1970" is indecipherable.

REQUEST FOR PRODUCTION NO. 13

Personnel records of: Dr. Lewinsohn, Dr. Hyde and all other Union Carbide or Calidria physicians. Personnel records of: Union Carbide and Calidria Health and Safety officers.

RESPONSE:

Objection. The request is irrelevant and overly broad. Additionally, due to federal law prohibitions and confidentiality and privacy concerns, Union Carbide objects to producing any personnel files subject to federal law confidentiality regarding present or previous employees.

REQUEST FOR PRODUCTION NO. 14

Deposition transcripts of document/records custodian.

RESPONSE:

Objection. The request is overly broad. Subject to and without waiving the objections, transcripts that relate to asbestos cases will be made available.

REQUEST FOR PRODUCTION NO. 15

Minutes of the Konicide Club meeting that any Union Carbide, employee, director or other agent attended.

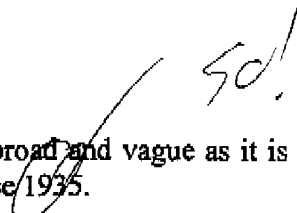
RESPONSE:

Objection. The request is vague. Subject to and without waiving the objection, none.

REQUEST FOR PRODUCTION NO. 16

All documents regarding the IHF.

RESPONSE:

Objection. The request is overly broad and vague as it is not limited to a specific time period. The IHF has been in existence since 1935. 

REQUEST FOR PRODUCTION NO. 17

Labeling or source of documents.

RESPONSE:

Objection. The request is vague and overly broad.

REQUEST FOR PRODUCTION NO. 18

Petroleum Institute documents.

RESPONSE:

Objection. The request is vague. Subject to and without waiving the objection, Union Carbide will make available all non-privileged documents.

REQUEST FOR PRODUCTION NO. 19

1960 Radiation Experiments with Johns-Manville at the Union Carbide Oak Ridge plant and all other communications with Johns-Manville, Raybestos Manhattan and Metropolitan Life.

RESPONSE:

Objection. The request is overly broad, vague, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 20

Index of fiber sales.

RESPONSE:

Objection. The request calls for the creation of a document not in existence. Subject to and without waiving the objection, Union Carbide will make available any already existing sales indexes with the qualification that any existing sales indexes contain numerous inaccurate entries.

REQUEST FOR PRODUCTION NO. 21

Pecle study.

RESPONSE:

The study has already been produced.

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	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
GARLOCK, INC., ET AL	§	23 RD JUDICIAL DISTRICT

**NOTICE OF INTENTION TO TAKE ORAL/VIDEO
DEPOSITION OF DR. ART LANGER**

Please take notice that pursuant to Tex R. Civ. P. 199, counsel for Plaintiffs in the above-styled and numbered cause of action are noticing the oral and video deposition of Kelly Moore's Expert Witness as follows:

Dr. Art Langer Monday, December 3, 2001 10:00 a.m.

at Hotel Plaza Athenee, 37 East 64th Street, New York, NY 10021; (212) 734-9100. Said deposition will be used as testimony at the trial of this case. The deposition will be scheduled through a duly authorized court reporter, Worldwide Court Reporters, 3000 Wesleyan, Suite 344, Houston, Texas 77027. You are invited to attend and cross-examine the witness.

Respectfully submitted,

LANIER, PARKER & SULLIVAN, P.C.

By: _____
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ATTORNEYS FOR PLAINTIFFS
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Defendants counsel of record either by certified mail, return receipt requested and/or facsimile in accordance with the Rules of Civil Procedure on this the _____ day of NOVEMBER, 2001.

PATRICK N. HAINES