

NO. 12540*BH00

EDWARD J. LAMBERT	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
PROKO INDUSTRIES, INC., et al.,	§	
	§	
Defendants.	§	23RD JUDICIAL DISTRICT

**DEFENDANT THE GOODYEAR TIRE & RUBBER
COMPANY'S RESPONSES TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES, FIRST REQUEST FOR
PRODUCTION AND FIRST REQUEST FOR ADMISSIONS
PROPOUNDED ON PREMISES DEFENDANTS**

Defendant The Goodyear Tire & Rubber Company submits these responses and to Plaintiff's First Set of Interrogatories, First Request For Production and First Request for Admissions Propounded on Premises Defendants and would show the Court as follows:

INTRODUCTORY STATEMENT AND OBJECTIONS

HISTORY

This case involves an allegation that Edward J. Lambert worked at the Goodyear facility located at 2000 Goodyear Drive, Houston, Texas (the "Houston facility") at some point in time between 1940 and 1964. A significant passage of time has elapsed since the time that Mr. Lambert allegedly worked at the Houston facility. As a result, knowledgeable people have left Goodyear's employ and cannot be located or are deceased. Documents have long since been discarded, lost, or otherwise have become unavailable through the ordinary course of business. Because Mr. Lambert's alleged work took place over thirty-five years ago, locating documents and witnesses relevant to his allegations is a time-consuming, expensive, difficult, and in certain

instances, impossible task. Pursuant to applicable document retention policies, due to the passage of three and five decades, and due to the fact that Goodyear did not purchase the Houston facility until 1955, many potentially responsive documents are no longer retained by Goodyear.

Responses were compiled based upon reasonable inquiry of those persons who might be reasonably expected to possess responsive information. Responses were also prepared based on examination of those files and records reasonably available to Goodyear, and which might reasonably be expected to contain responsive documents or information relating to the claims at issue, subject to the objections and limitations set forth herein.

Although Mr. Lambert's working career spanned 1940-64, Goodyear did not purchase the Houston facility until 1955. Therefore, the time period for Goodyear is 1955-64 with regard to the Houston facility. Accordingly, Goodyear will respond to these requests only as to the Houston facility during this time period. Goodyear objects to this entire set of discovery requests and plaintiffs' efforts to require any response beyond these parameters as over broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Goodyear also objects to all of the document request in this set of discovery because, as drafted, they are violative of the Texas Supreme Court's prohibition against fishing expeditions for insufficiently identified documents as is outlined in *Loftin v. Martin* and its progeny.

These responses are submitted by Goodyear subject to, and without in any way waiving or intending to waive, but, on the contrary, intending to reserve and reserving:

(1) All questions as to the competency, relevance, materiality, privilege, and admissibility as evidence for any purpose of any of the information or documentation referred to or responses given, or the subject matter thereof, in any subsequent proceeding in, or the trial of, this action or any other action or proceeding;

(2) The right to object to other discovery procedures involving or relating to the subject matter of the Requests herein responded to; and

(3) The right at any time to revise, correct, add to, or clarify any of the responses set forth herein, or information or documentation referred to herein.

**RESPONSES TO PLAINTIFF'S INTERROGATORIES,
REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION**

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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its introductory statement, Goodyear objects to this request because it seeks to impose obligations on Goodyear beyond those contemplated by the Texas Rules of Civil Procedure. Subject to this objection, these responses and objections are the corporate responses of defendant Goodyear Company and, as such, are disassociated from any specific individuals. Goodyear is a large corporation, and these responses came from many different sources. These responses were prepared with input from current and former employees of Goodyear Company with assistance from lawyers employed by Goodyear and Goodyear's trial counsel at Baker Botts L.L.P. and have been verified by Bertram Bell, Associate General Counsel, The Goodyear Tire and Rubber Company, 1144 East Market Street, Akron, OH 44316-0001.

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is compound and contains the term "and/or" which renders this request for admission impossible to answer. Subject to these objections, Goodyear admits that asbestos-containing products were present at its Houston facility during the relevant time period.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Not applicable.

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 Defendants Premises during the years at issue.

RESPONSE:

In addition to its Introductory Objections and subject to the parameters established in its Introductory Statement, Goodyear objects to this request because it contains the term "and/or" which renders this request for admission impossible to answer as it is presently drafted. Subject to these objections, Goodyear admits that asbestos-containing products were present at its Houston facility during the relevant time period.

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 install these products
- e. The first year each product was no longer purchased and installed on Defendants Premises

ANSWER:

Goodyear objects to this request because it seeks to impose obligations on Goodyear beyond those contemplated by the Texas Rules of Civil Procedure. Additionally, Goodyear objects that, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiffs to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing products may be found throughout the Houston facility. For instance, some insulation products used in the Houston facility before about 1976 contained asbestos. Additionally, asbestos in non-friable forms may have been found in floor tile, gaskets, some roofing materials, fire blankets, and transite.

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 the similar nature.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure. In further response, Goodyear has located no documents responsive to this request.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was working on Defendant's Premises, 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:

Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was working on Defendant's premises or was around asbestos-containing products. Moreover, Goodyear objects to this request because it impermissibly calls for admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birdo v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not

be used as a tool to trap opponent). Subject to these objections, after a reasonable inquiry, the information known or easily obtainable is insufficient to enable Goodyear to admit or deny whether asbestos-containing products were "removed, stripped, replaced or repaired" during the times that Plaintiff was allegedly at the Houston facility. Goodyear does admit that, in general, asbestos-containing products could be removed, stripped, replaced or repaired at some time after installation.

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 each abatement procedure;
- c. State which asbestos-containing products were abated.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects that, to the extent an answer is contained within the available records, the burden on Plaintiff to ascertain the answer is the same as for Goodyear. Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. In further response, Goodyear has no systematic removal program, but complies with governmental regulations regarding asbestos-containing materials by not removing or disturbing asbestos-containing materials unless materials need replacement in the normal course of operations, maintenance, or repair.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in anyway 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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or otherwise worked at the Houston facility. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear 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:

Not applicable.

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:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, 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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear also objects to this request because it is overly broad, vague and seeks disclosure of information not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery

requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 7:

Produce records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, during the years at issue, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is overly broad, vague and seeks disclosure of information not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue, 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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it assumes disputed facts which are not in evidence. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, 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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, after reasonable inquiry Goodyear has been unable to identify an employee with these responsibilities for the time period from 1955-64. If such information becomes available, Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear 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:

Not Applicable.

INTERROGATORY NO. 6:

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

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this interrogatory because it is premature. Goodyear has not yet had an opportunity to depose Mr. Lambert regarding his allegations against Goodyear. Goodyear will supplement this response in accordance with the Texas Rules of Civil Procedure.

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 Defendants employees who were using and/or applying asbestos-containing products.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Not Applicable.

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, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

In addition to its Introductory Objections and subject to the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In further response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

In addition to its Introductory Objections and subject to the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. In further response, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request because Goodyear unable to determine if and when Mr. Lambert was at the Houston facility. Goodyear does admit that asbestos-containing products were present at its Houston facility during the 1955-64 time period.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or video graphic 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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

INTERROGATORY NO. 7:

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

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, Goodyear did not warn Mr. Lambert about the potential dangers of asbestos-containing products because Goodyear was unaware of these dangers at the time that Mr. Lambert was allegedly at the Houston facility.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Not Applicable.

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 Defendants Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Goodyear further objects to this request because it inquires into warnings that Goodyear gave its employees and Mr. Lambert was never an employee of Goodyear. Subject to these objections, Goodyear did not warn its employees about the potential dangers of asbestos-containing products because Goodyear was unaware of these dangers at the time that Mr. Lambert was allegedly at the Houston facility.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Not applicable.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates 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, Defendants 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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it inquires into warnings that Goodyear gave its employees and Mr. Lambert was never an employee of Goodyear. Subject to these objections, Goodyear did not warn its employees about the potential dangers of asbestos-containing products because Goodyear was unaware of these dangers at the time that Mr. Lambert was allegedly at the Houston facility.

REQUEST FOR PRODUCTION NO. 15:

Produce a such safety policies.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

In addition to its Introductory Objections and subject to the parameters established in its Introductory Statement, Goodyear objects to this request because it inquires into warnings that Goodyear gave its employees. Mr. Lambert was never an employee of Goodyear. Subject to these objections, 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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, Goodyear did not warn Mr. Lambert about the potential dangers of asbestos-containing products because Goodyear was unaware of these dangers at the time that Mr. Lambert was allegedly at the Houston facility.

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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it inquires into warnings that Goodyear gave its employees. Mr. Lambert was never an employee of Goodyear. Subject to these objections, Goodyear did not warn or take any special precautions with respect to Mr. Lambert about the potential dangers of such products because Goodyear was unaware of these dangers at the time that Mr. Lambert allegedly was at the Houston facility.

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.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement and after reasonable inquiry, Goodyear is working to identify an employee with these responsibilities for the time period from 1955-64. Beyond this response, Goodyear is without sufficient information to respond to this request at this time. Based on the available information, during the relevant time period, it was not the practice of Goodyear to provide safety equipment to employees of independent contractors because the independent contractors, as the employers of these individuals, were responsible for providing this type of equipment to their employees.

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear did not warn or take any special precautions, including the provision of a face mask, with respect to Mr. Lambert, about the potential dangers of asbestos-containing products, because from 1955-64 Goodyear was unaware of these dangers. As further response, Goodyear incorporates its response to Interrogatory No. 11.

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.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure. At this time, however, Goodyear is aware of no such measurements before 1964, the last year that Mr. Lambert could have potentially been at the Houston facility.

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 Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure. At this time, however, Goodyear is aware of no such measurements before 1964, the last year that Mr. Lambert could have potentially been at the Houston 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.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects that, to the extent an answer is contained within the available records, the burden on Plaintiff to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Not applicable.

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Not applicable.

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Not applicable.

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to 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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Not applicable.

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 the worksites where Plaintiff was present.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections,

after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Not applicable.

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.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear began to warn workers after such time as Mr. Lambert allegedly was at the Houston facility.

INTERROGATORY NO. 16:

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

- 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.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil

Procedure. In further response, due to the passage of time, Goodyear is unable to state exactly when respirators were first used at its Houston facility. In 1976 Goodyear had an asbestos removal and disposal procedure in effect which required the use of respiratory protective equipment. Goodyear used both air purifying and air supplied respirators that were approved for those specific applications.

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 Plaintiff was present.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Not applicable.

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because its meaning is unclear and could assume disputed facts, specifically that Plaintiff was an employee of Goodyear or was otherwise at the Houston facility and that he was around asbestos-containing products. Subject to these objections, after reasonable inquiry the information known or easily obtainable is insufficient to enable Goodyear to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiffs 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 Plaintiffs employer.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendants Premises created a substantial risk of injury.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning, fails to provide sufficient information regarding exposure levels, and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Goodyear further objects to this request because it incorrectly assumes that asbestos, merely by its presence at the Houston facility at all levels and conditions of exposure, creates a potential health hazard. Subject to and without waiving these objections, Goodyear denies this request as it is presently drafted.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years at issue, Defendant had to power to control Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the term "power to control," Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees 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:

Not applicable.

REQUEST FOR ADMISSION NO. 23:

Admit that during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the term

“power to manage the use or condition, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 24:

Admit that, during the years at issue, Defendant had the power to direct the use or condition of Defendant’s Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref’d n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs’ counsel means by the term “power to direct the use or condition,” Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 25:

Admit that during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the term "power to superintend the use or condition," Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means

by the term “power to restrict the use or condition,” Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant’s Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref’d n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs’ counsel means by the term “power to regulate the use or condition,” Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the term "power to govern the use or condition," Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means

by the term “power to oversee the use or condition,” Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant’s Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref’d n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs’ counsel means by the term “power to administer the use or condition,” Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 31:

Admit that during the years at issue, Defendant controlled Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birdo v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 32:

Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birdo v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned

and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiff counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means

by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without

waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birdo v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. This is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiffs work was performed.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear has not located any such documents.

INTERROGATORY NO. 17:

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on Defendant's Premises, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this interrogatory because it is confusing and incomprehensible. Goodyear will attempt to answer this interrogatory if and when Plaintiffs' counsel re-drafts it in a clear fashion without the use of confusing double and triple negatives and compound hypothetical questions.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear has not located any such documents.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. Goodyear would not allow workers to jeopardize these rights, but this is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Not Applicable

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. Goodyear would not allow workers to jeopardize these rights, but this is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Not Applicable.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not Applicable

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the

available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

RESPONSE: REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not Applicable

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Not Applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because, to the extent an answer is contained within the available records, the burden on Plaintiffs to ascertain the answer is the same as for Goodyear. Subject to these objections, Goodyear refers Plaintiff to the documents produced, or to be produced, in this matter. In further answer, upon reasonable inquiry, Goodyear believes that asbestos-containing gaskets and various other insulation products were present at the Houston facility, but Goodyear does not possess the documentation necessary to provide a complete answer to this series of requests regarding the presence of specific types of products at the Houston facility.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not Applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it is unclear in its meaning and could assume disputed facts. Moreover, Goodyear objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287, 291 (Tex. Civ. App.—Beaumont 1956, writ ref'd n.r.e.) (requests for admissions cannot compel a party to answer a legal conclusion); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App.—Tyler 1992, writ denied) (requests for admission should not be used as a tool to trap opponent). Subject to and without waiving these objections, although Goodyear will not speculate as to what Plaintiffs' counsel means by the terms used in this confusing and redundant series of requests, Goodyear admits that it owned and possessed all rights of ownership regarding the Goodyear Plant. Goodyear would not allow workers to jeopardize these rights, but this is not to say that Goodyear controlled the work of employees of independent contractors.

REQUEST FOR PRODUCTION NO. 53:

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear has located no such documents. However, Goodyear does note that insulation work would have been done under the direction, supervision, and control of the insulation companies hired by the Houston facility to do this type of work. That is the whole reason that these specialists were hired for this type of work.

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.

ANSWER:

In the early 1970s, Goodyear became aware that asbestos, at certain levels and durations of exposure, could potentially cause physical injury.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. Goodyear will continue to search for responsive documents and will supplement this responses pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 55:

Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiffs Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

INTERROGATORY NO. 19:

Do you contend that Plaintiffs 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.

ANSWER:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease, and Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this interrogatory is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease, and Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this interrogatory is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

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.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease and did not pose an unreasonable risk of harm based on the state of the art of medical and scientific knowledge accepted at the time of those visits. Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this request is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 57:

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:

Denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease and did not pose an unreasonable risk of harm based on the state of the art of medical and scientific knowledge accepted at the time of those visits. Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this request is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 59:

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:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease and did not pose an unreasonable risk of harm based on the state of the art of medical and scientific knowledge accepted at the time of those visits. Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this request is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 60:

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:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease, and Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this interrogatory is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease, and Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this interrogatory is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 62:

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:

Goodyear contends that Mr. Lambert's visits to the Goodyear Plant are not the proximate cause of his disease, and Goodyear will rely on expert testimony to support this contention. Because expert discovery has not yet begun in this case, this interrogatory is premature in its request for the identification of specific facts and documents which support this contention. Goodyear will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 64:

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

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it seeks to impose obligations on Goodyear beyond those contemplated by the Texas Rules of Civil Procedure. Goodyear will comply with the Texas Rules of Civil Procedure, and Plaintiffs are entitled to request the production of Goodyear's discoverable and responsive documents. However, Plaintiffs are not entitled to a wholesale inspection of Goodyear's records nor a fishing expedition into the manner or locations where such records are stored. As such, this request is over broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. If Plaintiffs have complaints or concerns regarding the existence or storage of certain, specific documents after Goodyear completes its production, then Goodyear will work with Plaintiffs' counsel at that time to resolve such issues. However, until such production is performed and reviewed by Plaintiffs' counsel, this request is unnecessarily burdensome and premature.

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.

ANSWER:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (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. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendants Premises.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Denied to the extent the term "uses" includes in-place asbestos that has not been abated.

REQUEST FOR ADMISSION NO. 62:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1972.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 63:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1973.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 64:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1974.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 65:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1975.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 66:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1976.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 67:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1977.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 68:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1978.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 69:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1979.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 70:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1980.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 71:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1981.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 72:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1982.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 73:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1983.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 74:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1984.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 75:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1985.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 76:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1986.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 77:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1987.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 78:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1988.

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the

documents produced, or to be produced, in this matter. As further response, Goodyear has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 68:

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because such request should be made of the trade associations rather than being directed to Goodyear. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request because it seeks documents available in the public domain. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 70:

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:

Subject to its Introductory Objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request as burdensome, harassing, and impossible because many, if not all, potentially responsive documents no longer exist due to the passage of time. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In further response to this request, Goodyear has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. Finally, Goodyear will continue to search for responsive documents and will supplement this response pursuant to the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at any time during his work 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:

Plaintiff Edward Lambert was not an employee of Goodyear. Accordingly, Goodyear has no such documents.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE:

Plaintiff Edward Lambert was not an employee of Goodyear. Accordingly, Goodyear has no such documents.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually

convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 79:

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter. In further response, Goodyear has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 83:

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 84:

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 anyway reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 85:

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:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request for production because it is premature and should be postponed until after all experts have been selected and designated. Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 86:

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 Defendants enumerated defenses in Defendants most recently filed Answer.

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request as burdensome, harassing, overbroad, and vague and as exceeding the scope of permissible discovery in seeking to invade attorney work product. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' specific discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 88:

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 90:

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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 91:

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 Plaintiffs work at Defendant's Premises.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 92:

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:

Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear objects to this request as burdensome, harassing, and impossible because many, if not all, potentially responsive documents no longer exist due to the passage of time. Subject to these objections, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 96:

Please 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:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE:

Subject to its Introductory Objections and the parameters established in its Introductory Statement, Goodyear will produce documents responsive to Plaintiffs' discovery requests, if any, at a mutually convenient time and place. In response to this request, Goodyear also refers Plaintiffs to the documents produced, or to be produced, in this matter.

REQUEST FOR PRODUCTION NO. 98:

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

RESPONSE:

Goodyear retains the liabilities for the Houston facility.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: Brady Edwards/Nay
George T. Shipley
State Bar No. 18267100
Brady Edwards
State Bar No. 00793021
3000 One Shell Plaza
910 Louisiana Street
Houston, Texas 77002
(713) 229-1234
(713) 229-1522 (fax)

ATTORNEYS FOR DEFENDANT
THE GOODYEAR TIRE & RUBBER COMPANY

CERTIFICATE OF SERVICE

On November 7, 2000, I served a true and correct copy of Defendant The Goodyear Tire & Rubber Company's Responses to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for Admissions Propounded on Premises Defendant upon plaintiffs' counsel by certified mail, return receipt requested and a copy of the transmittal letter was sent to all known defense counsel by regular mail.

Brady Edwards/Nay
Brady Edwards

NO. 12540*BH00

EDWARD J. LAMBERT

v.

PROKO INDUSTRIES, INC., et al

§
§
§
§
§
§

IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

23rd JUDICIAL DISTRICT

CERTIFICATE OF WRITTEN DISCOVERY

The Goodyear Tire & Rubber Company certifies that on the 7th day of November, 2000 it served plaintiffs, by and through their attorneys of record, Ms. Elizabeth Schick and Mr. William Tapscott, Jr., Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219 with Defendant The Goodyear Tire & Rubber Company's Responses to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for Admissions Propounded on Premises Defendants.

Respectfully submitted,

BAKER BOTTS L.L.P.

By

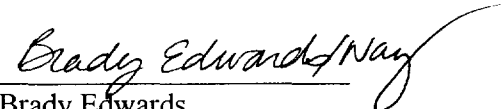


George T. Shipley
State Bar No. 18267100
Brady Edwards
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3000 One Shell Plaza
Houston, Texas 77002
(713) 229-1234
(713) 229-1522 Fax

ATTORNEYS FOR DEFENDANT
THE GOODYEAR TIRE & RUBBER COMPANY

CERTIFICATE OF SERVICE

I certify that on November 7, 2000, a true and correct copy of the foregoing was served on plaintiffs' counsel by certified mail, return receipt requested and a copy of the transmittal letter was sent to all known defense counsel by regular mail.



Brady Edwards

BAKER BOTTS LLP

001622*008029
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AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
NEW YORK
WASHINGTON

November 7, 2000

001622.0579
(Lambert)

BY CERTIFIED MAIL

BRADY EDWARDS
713.229.1162
FAX 713.229.7762
brady.edwards@bakerbotts.com

Ms. Elizabeth Schick
Mr. William Tapscott, Jr.
Baron & Budd
3102 Oak Lawn Avenue
Dallas, TX 75219

Re: Cause No. 12540*BH00; *Edward J. Lambert v. Proko Industries, Inc., et al.*; In the
23rd Judicial District of Brazoria County, Texas

Dear Counsel:

Enclosed please find Defendant The Goodyear Tire & Rubber Company's Responses
to Plaintiff's First Set of Interrogatories, First Request for Production and First Request for
Admissions Propounded on Premises Defendants.

Thank you for your assistance in this matter.

Sincerely,



Brady Edwards

Enclosure

cc: Heather Lohec (*file copy*)

All Known Defense Counsel

001622*008029

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November 7, 2000

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BY CERTIFIED MAIL

Mr. Jerry Deere
Brazoria County District Clerk
111 E. Locust St.
400 Courthouse
Angleton, TX 77515-4678

Re: Cause No. 12540*BH00; *Edward J. Lambert v. Proko Industries, Inc., et al.*; In the
23rd Judicial District of Brazoria County, Texas

Dear Mr. Deere:

Enclosed for filing in the above-referenced case are the original and one copy of The
Goodyear Tire & Rubber Company's Certificate of Written Discovery.

Please stamp the extra copy of this letter and Certificate of Written Discovery with
the date of filing and return same to me for my files in the enclosed self-addressed, stamped
envelope. By copy of this letter, I am serving counsel with all filings.

All known defense counsel are being served with a copy of this transmittal letter only.
Please contact my secretary if you would like to receive a copy of the enclosure.

Sincerely,



Brady Edwards

Enclosures

cc: Elizabeth Schick
William Tapscott, Jr.
Baron & Budd
3102 Oak Lawn Ave., Suite 1100
Dallas, Texas 75219

Heather Lohec (*file copy*)

All Known Defense Counsel (*transmittal letter only*)