

NO. 12902\*BH00

|                                |   |                        |
|--------------------------------|---|------------------------|
| ODIS BRYANT WITHERS and RUBY   | § | IN THE DISTRICT COURT  |
| WITHERS,                       | § |                        |
|                                | § |                        |
| Plaintiffs,                    | § |                        |
|                                | § |                        |
| VS.                            | § | BRAZORIA COUNTY, TEXAS |
|                                | § |                        |
| GAF CORPORATION (successor to  | § |                        |
| RUBEROID CORPORATION), et al., | § |                        |
|                                | § |                        |
| Defendants.                    | § | 23RD JUDICIAL DISTRICT |

**DEFENDANT E. I. DUPONT DE NEMOURS AND COMPANY'S**  
**RESPONSES AND OBJECTIONS TO PLAINTIFF'S INTERROGATORIES,**  
**REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION**

TO: Odis Bryant Withers, Plaintiff, by and through his attorneys, Stephanie Finch and Holly Huart whose address is Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rules 196, 197, and 198 of the Texas Rules of Civil Procedure, E. I. du Pont de Nemours and Company ("DuPont") responds and objects to the following Interrogatories, Requests for Production and Requests for Admission.

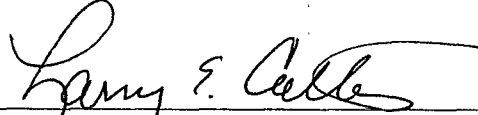
**PRELIMINARY STATEMENT**

Information provided in these responses is based upon such information as presently is reasonably available to DuPont, and DuPont expressly reserves the right, without imposing on DuPont any duty not required by the Texas Rules of Civil Procedure, to supplement these responses when and if additional information or documentation comes to its attention. Unless otherwise indicated, the time frame covered by these responses is through 1968 for the corporate and the Orange site documents and information. When the response to an Interrogatory or Request for Production indicates that documents will be produced or otherwise refers to documents, the documents that will be produced or that are being referred to, unless otherwise specifically indicated in the response, were collected from DuPont's corporate headquarters and/or its Orange, Texas facility, which is the DuPont facility at which Plaintiff Odis Bryant Withers alleges he was exposed to asbestos-containing materials. The corporate and Orange documents referred to in these responses have previously been produced to Plaintiffs' counsel, but will be made available for inspection and copying again at the offices of Kirkley Schmidt & Cotten, L.L.P. at 10:00 a.m. on January 30, 2001.

DuPont objects to Requests for Admission that assume disputed facts. When DuPont objects to a specific admission on the basis that it "assumes disputed facts," DuPont is referring to facts on which Plaintiff Odis Bryant Withers has the burden of proof and that are currently disputed or are facts that DuPont reasonably believes will be disputed as investigation and discovery proceeds.

Responses made after objection are made without waiver of those objections. All responses are made subject to and without waiving this Preliminary Statement.

Respectfully submitted,



Larry E. Cotten

State Bar No. 04861600

Dennis M. Conrad

State Bar No. 04706400

S. Jan Hueber

State Bar No. 20331150

**Kirkley Schmidt & Cotten, L.L.P.**

2700 City Center Tower II

301 Commerce Street

Fort Worth, Texas 76102-4127

Telephone: (817) 338-4500

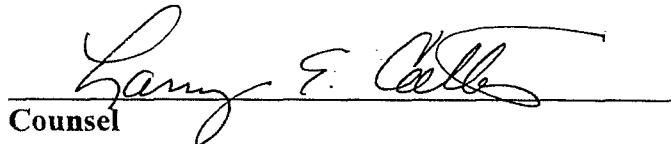
Facsimile: (817) 338-4599

**Attorneys For Defendant**

**E. I. du Pont de Nemours and Company**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this pleading was served by Certified United States Mail, Return Receipt Requested, on this 26<sup>th</sup> day of January, 2001, on Plaintiffs' attorneys of record, Holly Huart and Stephanie Finch, BARON & BUDD, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219, and on all known defense counsel of record by First Class United States Mail.

  
Counsel

VERIFICATION

I, MARY E. BOWLER, hereby certify the following:

- (1) I am Assistant Secretary of E. I. du Pont de Nemours and Company, a corporation,
- (2) I am authorized to execute this verification on behalf of E. I. du Pont de Nemours and Company,
- (3) that the facts stated in the foregoing Defendant E. I. du Pont de Nemours and Company's Responses to Plaintiff's Interrogatories have been assembled by authorized employees and the attorneys of E. I. du Pont de Nemours and Company,
- (4) that certain of the matters stated therein are not within my personal knowledge, and
- (5) that I am informed and verify that the facts stated therein are true and correct to the best of my information and belief.

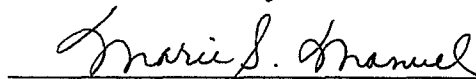
I declare under penalty of perjury under that the foregoing is true and correct.

E. I. DU PONT DE NEMOURS AND COMPANY

Date: 1/25/01

  
Assistant Secretary

Sworn and subscribed to before me  
this 25<sup>th</sup> day of January, 2001

  
Notary Public in and for the State of Delaware

**MARIE S. MANUEL**  
**NOTARY PUBLIC-DELAWARE**  
**My Commission Expires Feb. 7, 2002**

## **OBJECTION TO INSTRUCTIONS**

1. DuPont objects to Plaintiffs' instruction that it label all things produced in response to a request for production. DuPont will comply with Rule 196.3(c) in the production of documents.

## **OBJECTIONS TO DEFINITIONS**

1. a. DuPont objects to Plaintiffs' definition of "Defendant", "You", "Your", and "Your company" to the extent that it includes "subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates" because the definition is overbroad and seeks information that would be irrelevant and not calculated to lead to the discovery of admissible evidence in this case. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates".

b. DuPont objects to the portion of the Plaintiffs' definition of "Defendant", "You", "Your", and "Your company" that refers to "all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and affiliates" because it is overbroad, vague, ambiguous, and requires DuPont to speculate about who may or may not come within the definition. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "predecessors, subsidiaries, and/or affiliates."

c. DuPont objects to the portion of Plaintiffs' definition of "Defendant", "You", "Your", and "Your company" that defines "Predecessors" because it is overbroad, vague, ambiguous, and improperly attempts to require DuPont to answer for or with respect to separate legal entities for whose conduct or liabilities DuPont could not be responsible as a matter of law. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "Predecessors".

d. DuPont objects to the portion of Plaintiffs' definition of "Defendant", "You", "Your", and "Your company" that defines "Subsidiaries" because it is overbroad, vague, ambiguous, attempts to expand unreasonably the meaning of a word that has a definite legal meaning, and improperly attempts to require DuPont to answer for or with respect to separate legal entities for whose conduct or liabilities DuPont could not be responsible as a matter of law. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "Subsidiaries".

2. DuPont objects to the portion of Plaintiffs' definition of "document", "documents", "written materials", or "printed matter" that refers to documents that "were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession,

custody or control of their subsidiaries, whether domestic or international, or merged or acquired predecessors), or . . . regardless of who now has or formerly had custody, possession or control", because it is overbroad and attempts to expand DuPont's obligation to produce documents far beyond the requirements of the Texas Rules of Civil Procedure. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any subsidiaries or affiliates.

3. DuPont objects to Plaintiffs' definition of "meeting" or "meetings" because it is overbroad, vague, ambiguous, and calls for speculation.

4. DuPont objects to Plaintiffs' definition of "medical advisory capacity" because it is overbroad, ambiguous, and calls for speculation. It would include anyone on DuPont's "staff" who might have any medical "abilities or capabilities" (whatever that means) even if their job had nothing to do with any medical function.

5. DuPont objects to Plaintiffs' definition of "identify" with respect to documents because it is overbroad, vague, ambiguous, and calls for speculation.

#### **RESPONSES AND OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS**

The Preliminary Statement set forth above is adopted and incorporated into the responses and objections to each of the following Interrogatories, Requests for Production, and Requests for Admission as if fully repeated verbatim in response to each Interrogatory and Request. The Objections to Instructions and Objections to Definitions set forth above are adopted and incorporated into the responses and objections to each of the following Interrogatories, Requests for Production, and Requests for Admission in which the objected-to terms appear, as fully as if those objections were repeated verbatim in response to each such interrogatory and request.

#### **INTERROGATORY NO. 1:**

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

#### **RESPONSE:**

DuPont objects that this interrogatory requests information that DuPont is not required by the Texas Rules of Civil Procedure to provide. Subject to and without waiving its objections, DuPont

responds that given the fact that information used to respond to these interrogatories involves matters occurring as much as 32 years ago, that it must be gathered from numerous sources, including DuPont records and other documents created, compiled, or collected by many different persons, including DuPont's counsel, it is not reasonable or possible to respond to this interrogatory as written. DuPont's responses were prepared by counsel based upon information received from a variety of sources.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time period that plaintiff Odis Bryant Withers allegedly was present on that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or machinery at issue. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that asbestos-containing products were used at the Orange plant during the time Plaintiff Odis Bryant Withers alleges he was present at that site. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission No. 1. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

DuPont objects to this request as overbroad and unduly burdensome. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or machinery at issue. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that asbestos-containing products were used at the Orange plant during the times plaintiff Odis Bryant Withers alleges he was present at that site. DuPont otherwise denies this request as stated.

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

RESPONSE:

DuPont objects to this interrogatory because it is overbroad, unduly burdensome, and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff Odis Bryant Withers allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request on the grounds that it is vague and ambiguous. DuPont further objects that use of the term "foreseeable" is vague, ambiguous and subject to varying interpretations. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

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.

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

DuPont objects to this request because it is overbroad, burdensome, and is not limited in time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under 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:

DuPont objects to this request to the extent it is not limited to E. I. du Pont de Nemours and Company, the named defendant in this case. DuPont further objects that this request assumes disputed facts. DuPont objects that this request is not limited to the Orange facility. Subject to its preliminary statement and without waiving any objection, DuPont's investigation to date has produced no evidence that plaintiff was present at the Orange plant. Therefore, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to the Orange plant site during the times that plaintiff alleges he was present at that site.

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:

DuPont objects to this request as ambiguous and confusing to the extent it purports to relate to the "foregoing request." DuPont also objects to this request to the extent it assumes that DuPont admits "Plaintiff was on Defendant's Premises." Subject to its preliminary statement and without

waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to documents indicating that Plaintiff Odis Bryant Withers was present at the Orange site. DuPont objects to the extent plaintiffs' usage of the term "your premises" is vague, ambiguous, broader than the terms plaintiff defined in its definitions and is subject to numerous interpretations. DuPont further objects to identifying contractors and/or the employees of contractors for the reason that this is overbroad and outside the scope of the Texas Rules of Civil Procedure. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant site.

REQUEST FOR PRODUCTION NO. 7:

Produce all 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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant site. DuPont further objects to producing records regarding the methods and manner of identification of individuals for the reason that it is overbroad and outside the scope of the Texas Rules of Civil Procedure. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant site.

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.

RESPONSE:

DuPont objects to this interrogatory as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant site. DuPont further objects that this interrogatory is not limited to facts and circumstances reasonably related to plaintiff's claims in this case.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to contracts with Plaintiff's employer. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located contracts between DuPont and Corbesco, Plaintiff's employer, during the time period Odis Bryant Withers alleges to have been at the Orange plant site.

INTERROGATORY NO. 5:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to facts or issues reasonably related to plaintiff Odis Bryant Withers.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and assumes disputed facts. Further, the term "where Defendant used or applied" is vague and ambiguous. Subject to its preliminary statement and without waiving any objection, as stated above, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant site. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Orange plant.

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.

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant site during the time periods that Plaintiff Odis Bryant Withers allegedly was present on that site. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Given that more than 32 years have passed since plaintiff allegedly was present at the Orange plant, it is difficult to reconstruct fully where precisely plaintiff could have been working at that site. DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff Odis Bryant Withers was present at the Orange plant.

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:

DuPont objects to this request as vague, ambiguous, compound and lacking adequate specificity. DuPont further objects that this request assumes disputed facts. DuPont denies this request as stated.

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:

DuPont objects to the use of the terms "potential health hazard" as overbroad, vague, ambiguous, and subject to different interpretations. DuPont further objects that this request is too vague, general, and nonspecific in reducing a subject of considerable scientific complexity, controversy, and investigation to the simplistic phrase "airborne asbestos dust created a potential health hazard." DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 8.

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:

DuPont objects to this request as vague, ambiguous, compound and lacking adequate specificity. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment area, 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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site.

INTERROGATORY NO. 7:

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

RESPONSE:

DuPont objects that the language, "the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers," is overbroad, ambiguous, and argumentative. DuPont further objects to usage of the plural word "Plaintiffs," since it is overbroad and only Plaintiff Odis Bryant Withers alleges he was present at the Orange site. DuPont objects to the language that it identify "any and all warnings ever given by Defendant, if any, to plaintiffs" for the reason that it is overbroad and not limited to the Orange plant site during the times plaintiff Odis Bryant Withers alleges he was present

at the site. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it provided information to workers, both its own employees and independent contractors, at its Orange facility at various times about a variety of potential workplace hazards. Documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

DuPont incorporates by reference the objections and response to interrogatory no. 7.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

DuPont objects that this request is overbroad and ambiguous because it is unclear whether plaintiffs are referring to all employees of DuPont, wherever they may be or whatever jobs they may be performing, or employees working under certain conditions, at certain jobs, or in certain facilities or parts of facilities. DuPont further objects that this request assumes disputed facts. DuPont denies this request for admission.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

DuPont incorporates by reference the objections and response to interrogatory no. 7.

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

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that the language, "the hazards of asbestos exposure" is overbroad, ambiguous, and argumentative. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it provided information to workers, both its own employees and independent contractors, at its Orange facility at various times about a variety of potential workplace hazards. Documents containing nonprivileged information pertaining to this interrogatory which will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

DuPont incorporates by reference the objections and response to interrogatory no. 8.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time period plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects that it assumes disputed facts. DuPont denies this request for admission.

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 support this contention.

RESPONSE:

DuPont objects that the language, "the hazards of asbestos and asbestos-containing products," is overbroad, ambiguous, and argumentative. DuPont further objects to the request that it identify "each and every fact" supporting any contention it might make, because, while Rule 197.1 allows a party to ask for the general factual bases of another party's contentions, it also prohibits the use of interrogatories to require a party to marshal all of its available proof or the proof the party intends to offer at trial.

INTERROGATORY NO. 10:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site.

INTERROGATORY NO. 11:

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

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

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that the term "safety equipment" is vague and ambiguous. DuPont further objects to this interrogatory where DuPont is requested to identify the person with the "most knowledge" of its "safety equipment" policies because of the lack of any reasonable or relevant time frame and the failure to limit the subject of the interrogatory to matters relevant to this lawsuit, as well as the vagueness and ambiguity of the interrogatory; further, it requires DuPont to speculate about who might have the "most knowledge" about whatever policies may be included in the interrogatory. The Texas Rules of Civil Procedure provide for disclosure of the identities of persons with knowledge of relevant facts, but they do not require parties to speculate or make determinations about who may have the "most" knowledge about a subject.

Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information regarding safety equipment will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present on that site. DuPont also objects to the terms "contract employee," "continuously provide" and "face masks" as overbroad, vague, ambiguous and subject to different interpretations. DuPont further objects to this request to the extent it assumes that DuPont had a duty to provide face masks to "contract employees." DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

INTERROGATORY NO. 12:

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

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

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 contentions.

RESPONSE:

DuPont objects to this interrogatory to the extent that it is not limited to the reasonable time frames relevant to this case. DuPont further objects to the request that it identify "each and every fact" that supports its contention, because, while Rule 197.1 allows a party to ask for the general factual bases of another party's contentions, it also prohibits the use of interrogatories to require a party to marshal all of its available proof or the proof the party intends to offer at trial.

INTERROGATORY NO. 14:

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

RESPONSE:

DuPont objects to this interrogatory for the reason that it is overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff was alleged present at that site. DuPont further objects that the term "agency or other governing body" is vague and ambiguous.

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:

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present on that site.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 13. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects that the term "engineering controls" is vague and ambiguous. DuPont objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 14.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 15.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont objects that this request assumes disputed facts. DuPont further objects that the term "dust collection engineering controls" is vague and ambiguous. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 16.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont objects that this request assumes disputed facts. DuPont further objects to this request as vague, ambiguous, compound and lacking adequate specificity. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 17.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont objects that this request assumes disputed facts. DuPont further objects to the terms "evacuate the premises" as vague, ambiguous and subject to different

interpretations. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 18.

INTERROGATORY NO. 15:

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

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that the language, "the hazards of asbestos and asbestos-containing products," is overbroad, ambiguous, and argumentative. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory which will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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 of brand names of respirators were required by you.

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

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:

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects to the terms "warning, caution or hazard signs" and "prior to the utilization of asbestos-containing materials" as vague, ambiguous and lacking adequate specificity. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 19.

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:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects that the use of the terms "to others" is

overbroad, vague and ambiguous because it is not clear which "others" plaintiffs are referring to, where they might have been, or what jobs they might have been performing. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 20. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to payments made to plaintiff's employer during the time plaintiff was employed by that employer and allegedly present at the Orange site. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents responsive to this request.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

DuPont objects to this request as vague, ambiguous and lacking adequate specificity because it does not identify the person or persons allegedly at risk of injury and because the words "substantial risk" are vague, indefinite, and ambiguous. DuPont objects that this request assumes

disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

DuPont objects to the use of the term "power to control Defendant's premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 22. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to manage the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 23. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to direct the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 24. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to superintend the use or conditions of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 25. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to restrict the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO 29:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 26. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to regulate the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 27. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to govern the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plants during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 28. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to oversee the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 29. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "power to administer the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 30. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

DuPont objects to the use of the term "controlled Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

DuPont incorporated by reference the objections stated in response for admission no. 31. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

DuPont objects to the use of the terms "managed the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary

statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 32. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

DuPont objects to the use of the terms "directed the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 33. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

DuPont objects to the use of the terms "superintended the use or conditions of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 34. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

DuPont objects to the use of the terms "restricted the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission No. 35. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

DuPont objects to the use of the terms "regulated the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 36. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, 10:00 a.m.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

DuPont objects to the use of the terms "governed the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 37. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, 10:00 a.m.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

DuPont objects to the use of the terms "oversaw the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 38. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, 10:00 a.m.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

DuPont objects to the use of the terms "administered the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Orange plant during 1968. DuPont otherwise denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 39. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, 10:00 a.m.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

DuPont objects to the use of the terms "some control" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not specify which work or which time period(s) it refers to. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

DuPont incorporates by reference the objections states in response to request for admission no. 40. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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.

RESPONSE:

DuPont objects to this interrogatory because it is overbroad and is not limited in subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this interrogatory is vague, ambiguous, grammatically nonsensical and unintelligible, and argumentative. DuPont further objects to the request that it identify "each and every fact" supporting any contention it might make, because, while Rule 197.1 allows a party to ask for the general factual bases of another party's contentions, it also prohibits the use of interrogatories to require a party to marshal all of its available proof or the proof the party intends to offer at trial.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff allegedly was present at that site. DuPont objects to the use of the terms "some control" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not specify which employer, work, location(s), or time period(s) it refers to. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 41. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to the use of the terms "entirely free" as vague, ambiguous and subject to different interpretations. DuPont objects that this request assumes disputed facts. DuPont further objects to this request because it does not specify the work, location(s), or time period(s) it refers to. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 42. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

DuPont objects to the use of the terms "entirely free" as vague, ambiguous and subject to different interpretations. DuPont objects that this request assumes disputed facts. DuPont further objects to this request because it does not specify the employer, work, location(s), or the time period(s) to which it refers. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 43. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 44. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 45. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO 49:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 46. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 47. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 48. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 49. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

DuPont objects to the use of the terms "such installation" as vague, ambiguous and lacking adequate specificity. DuPont also objects to this request as vague, compound, and assuming disputed facts. DuPont further objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time period that plaintiff Odis Bryant Withers allegedly was present at that site. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

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:

DuPont incorporates by reference the objections stated in response to request for admission no. 50. DuPont further objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time period that plaintiff Odis Bryant Withers allegedly was present at that site.

INTERROGATORY NO. 18:

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

RESPONSE:

DuPont objects to this Interrogatory because it is overbroad, burdensome, and is not limited to any circumstances reasonably related to Plaintiffs' claims in this case.

Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that individual DuPont employees may have become aware at varying times, of a possible association between prolonged exposure to respirable asbestos fibers and disease in humans under some circumstances. The Company, however, after reasonable and good faith investigation, is unable to identify a particular date on which it, as a corporate entity, first knew of this possible association. In addition, knowledge of asbestos-related disease and the circumstances associated with it developed gradually and was acquired over time; therefore, it is not possible to identify a specific date in response to this question as worded. Documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request because it is overbroad, burdensome, and is not limited to any circumstances reasonably related to Plaintiffs' claims in this case. Subject to and without waiving

its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that plaintiff Odis Bryant Withers allegedly was present at the Orange site. DuPont further objects to the use of the terms "supervised" and "health and safety procedures" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not identify any contractors to which it refers, nor does it identify the health and safety procedures allegedly implemented by any contractor to which the request refers. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff Odis Bryant Withers allegedly was present at the Orange site. DuPont further objects to the use of the terms "supervised" and "health and safety procedures" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not identify plaintiff's employer to which it refers, nor does it identify the health and safety procedures allegedly implemented by plaintiff's employer to which the request refers. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

DuPont objects to this request to the extent it assumes that plaintiff was exposed to asbestos while on the Orange site. DuPont objects that this request assumes disputed facts. DuPont further objects to this request to the extent it assumes that DuPont breached a duty owed to plaintiff. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

DuPont objects to this request for the reason that it is overbroad, ambiguous, and argumentative. DuPont further objects that Rules 194.2 and 198 do not require a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request does not describe the documents sought with reasonable particularity. This request is outside the scope of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 19:

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

RESPONSE:

DuPont objects to this interrogatory to the extent it assumes that Plaintiff was exposed to asbestos while on the Orange plant site. DuPont objects that this request assumes disputed facts. DuPont objects that "substantial contributing factor" is vague and ambiguous. DuPont further objects that Rules 194.2 and 198 do not require a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects to the term "each and every fact" since that is an improper attempt to shift the burden of proof on exposure to asbestos. This interrogatory is outside the scope of the Texas Rules of Civil Procedure. In addition, DuPont objects to this interrogatory to the extent it seeks an expert opinion regarding causation, which this defendant is not qualified to express.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

DuPont objects to this request to the extent it assumes that plaintiff was exposed to asbestos while on the Orange site. DuPont objects that "substantial contributing factor" is vague and ambiguous. In addition, DuPont objects to this request to the extent it seeks an expert opinion regarding causation, which this defendant is not qualified to express. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 54. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome, assumes disputed facts, and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects that this request is vague, ambiguous, and nonspecific because it does not identify the alleged risk to which it refers, the persons allegedly at risk, or any circumstances, conditions, or activities allegedly giving rise to the alleged risk. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

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:

DuPont objects to this request because it assumes that there was an unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises. DuPont further objects that this request is overbroad, vague, ambiguous, and nonspecific because it does not identify the alleged risk to which it refers, the time frame to which it refers, the persons allegedly at risk, or any circumstances, conditions, or activities allegedly giving rise to the alleged risk. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 56. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request because it assumes that plaintiff was exposed to asbestos while working on the Orange site and assumes that DuPont failed to reduce or eliminate an alleged risk of harm to plaintiff. DuPont further objects that the term "substantial" is vague, ambiguous, and nonspecific because it fails to identify the alleged risk to which it refers, the circumstances, conditions, or activities allegedly giving rise to the alleged risk, or the alleged asbestos-related injury. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

DuPont incorporates by reference the objections stated in response to request for admission no. 57. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request as vague, ambiguous and confusing. DuPont objects to the terms "exposed to sufficient quantities of asbestos dust" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request that it produce "all documents" to support its contention, because, while the Texas Rules of Civil Procedure allow a party to ask for the general factual bases of another party's contentions, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request fails to describe the documents sought with reasonable particularity.

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:

DuPont objects to this request as vague, ambiguous, unintelligible, nonsensical, and confusing. DuPont further objects that this request fails to describe the documents sought with reasonable particularity.

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:

DuPont objects to this request as vague, ambiguous and confusing. Subject to its preliminary statement and without waiving any objection, DuPont responds that it has not had sufficient opportunity to investigate and form a contention with respect to whether plaintiff is suffering from the alleged asbestos-related diseases complained of.

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:

DuPont objects to this request as vague, ambiguous and confusing. DuPont objects to the terms "exposed to asbestos dust" as vague, ambiguous and subject to different interpretations. DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that Plaintiff was allegedly present at the Orange site. DuPont further objects to this request that it produce "all documents" to support its contention, because, while the Texas Rules of Civil Procedure allow a party to ask for the general factual bases of another party's contentions, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

DuPont objects to this request as vague and overbroad and outside the scope of the Texas Rules of Civil Procedure. While the Texas Rules of Civil Procedure allow a party to ask for general factual bases, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request fails to describe the documents sought with reasonable particularity and amounts to a general request to provide documents in DuPont's possession.

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, microfiche, 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:

DuPont objects to this request as overbroad and not limited to the time frame relevant to this case. Subject to its preliminary statement and without waiving any objection, DuPont will provide a copy of its current record retention manual.

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:

DuPont objects to this request as overbroad, vague, ambiguous, irrelevant and seeking information protected by the attorney work product doctrine.

INTERROGATORY NO. 20:

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

RESPONSE:

DuPont objects to this interrogatory as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time frame relevant to this case or the asbestos-related disease allegedly suffered by Plaintiff. DuPont further objects that this interrogatory constitutes an unwarranted fishing expedition that is beyond the scope of permissible discovery under the Texas Rules of civil Procedure. Subject to its objections and in accordance with its preliminary statement, nonprivileged documents containing information regarding this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

DuPont incorporates by reference the objections stated in response to interrogatory no. 20. DuPont objects to this request as overbroad, vague, ambiguous, irrelevant, and seeking information protected by the attorney work product doctrine.

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:

DuPont objects to this request on the grounds that it requires DuPont to render an expert medical opinion. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time periods that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits this request.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Orange plant during the time period that plaintiff Odis Bryant Withers allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. DuPont further objects to the multifarious nature of this request. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 62:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 63:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 64:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 65:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 66:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 67:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 68:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 69:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 70:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 71:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 72:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 73:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 74:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 75:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 76:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 77:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR ADMISSION NO. 78:

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

RESPONSE:

DuPont objects to request because it is irrelevant since it inquires about a time period when plaintiff Odis Bryant Withers does not claim to have been at the Orange plant. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos-containing products were present at the Orange plant during 1968.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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:

DuPont objects to this request because it is compound, vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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:

DuPont objects that this request as worded is vague, ambiguous and grammatically nonsensical by asking DuPont to produce documents "that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos". DuPont further objects to this request because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiff's claims in this case.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case.

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:

DuPont objects to this request for the reason that it is overbroad. Subject to and without waiving its objections and in accordance with its preliminary statement, after reasonable investigation, DuPont has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

DuPont objects to this request to the extent it assumes that plaintiff Odis Bryant Withers was employed by DuPont. Subject to and without waiving its objections and in accordance with its preliminary statement, after reasonable investigation, DuPont has located no documents responsive to this request.

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:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. The request seeks documents that involve areas of the Orange plant where arguably, Plaintiff was not and times when he was not present there. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information.

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:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. In addition, DuPont objects to the use of the terms "photographs or asbestos products in place of asbestos-containing product being fabricated or utilized" as vague and ambiguous. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. DuPont further objects to this request to the extent that it may seek confidential and private employment or medical information with respect to DuPont employees and/or confidential workers' compensation files.

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:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in

this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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

RESPONSE:

DuPont objects to this request because it is compound, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request to the extent it exceeds the scope of testifying-expert discovery provided by the Texas Rules of Civil Procedure. DuPont further objects that this request is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case or the expert's anticipated testimony. The request is not limited to issues in this lawsuit. DuPont further objects to this request to the extent that it seeks information regarding consulting experts which is outside the scope of discovery under the Texas Rules of Civil Procedures.

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 Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

DuPont objects to this request because it is overbroad and does not comply with the rule requiring specific requests for documents. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), Comment 2 to Rule 193, and Rule 196.1(b). Further, the request on its face inquires into the theories, strategies, and mental impressions of DuPont's counsel, and therefore violates the work-product privilege.

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:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont objects to this request to the extent that it may seek confidential and private employment or medical information with respect to DuPont employees and/or confidential workers' compensation files. DuPont objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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:

DuPont objects to this request because it is overbroad, vague, ambiguous, and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedures. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995). Further, DuPont objects to the request for "regulations" and "orders" because it amounts to a request that DuPont perform Plaintiffs' legal research for them. DuPont objects because the law is as readily available to Plaintiffs as to Defendant.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

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:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time or subject matter to any circumstances reasonable related to Plaintiffs' claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

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 Plaintiff's work at Defendant's Premises.

RESPONSE:

DuPont objects to this request because it is ambiguous and overbroad. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on January 30, 2001, at 10:00 a.m.

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:

DuPont objects to this request because it is ambiguous and overbroad and unduly burdensome in that it could be construed to require the production of every documents that would reflect each corporate asset and liability of DuPont. The burden and expense of the request outweighs any likely benefit to the case. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont will produce copies of its annual reports for the years 1995-1999.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

DuPont objects to this request because it is overbroad, not limited to the period of time relevant to this case, and the burden and expense of the request outweighs any likely benefit to the case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. See, e.g., *Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad, not limited to the period of time relevant to this case, and the burden and expense of the request outweighs any likely benefit to the case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. See, e.g., *Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

DuPont objects to this request because it is overbroad, not limited to the period of time relevant to this case, and the burden and expense of the request outweighs any likely benefit to the case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995). Subject to and without waiving its objections and in accordance with its preliminary statement, after reasonable investigation, DuPont has not located any contracts with Plaintiff's employer.

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:

DuPont objects to this request because it is overbroad, not limited to the period of time, location, or subject matter to any circumstances reasonably related to Plaintiffs' claims in this case. Subject to and without waiving its objects and in accordance with the preliminary statement, documents containing nonprivileged information regarding this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P., on January 30, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

DuPont objects to this request for production because it is overbroad and fails to describe the materials sought with reasonable particularity. DuPont further objects to the terms "tangible things" for the reason that they are ambiguous and subject to different interpretations. This request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(is) during any time period that Plaintiff worked (or believes he worked) at the facility(is), 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, division, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(is); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K 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:

DuPont objects to this request for the reason that it is overbroad, ambiguous and not limited to the Orange site during the time periods Plaintiff allegedly was present on that site. DuPont objects to the term "control" for the reason that it is vague, confusing, and subject to various interpretations. Subject to its preliminary statement and without waiving any objection, DuPont does not contend that it did not own the Orange facility during the times plaintiff Odis Bryant Withers alleges he was there.