

NO. 90G2055

|                             |   |                                     |
|-----------------------------|---|-------------------------------------|
| WELDON R. MOAKE, et al      | § | IN THE DISTRICT COURT OF            |
|                             | § |                                     |
| VS.                         | § | BRAZORIA COUNTY, T E X A S          |
|                             | § |                                     |
| OWENS-CORNING FIBERGLASS    | § |                                     |
| CORPORATION (a/k/a OWENS    | § |                                     |
| CORNING CORPORATION); et al | § | 239 <sup>th</sup> JUDICIAL DISTRICT |

**MOTION FOR PROTECTION, OBJECTIONS AND  
RESPONSES OF SUNOCO, INC. (R&M) TO PLAINTIFF  
WELDON R. MOAKE'S FIRST SET OF INTERROGATORIES,  
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION**

TO: Plaintiff, Weldon Russell Moake, by and through his counsel of record, Elizabeth R. Schick, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, #1100, Dallas, Texas 75219.

COMES NOW, Defendant, Sunoco, Inc. (R&M) (hereinafter referred to as "Defendant"), and files this its Motion for Protection, Objections and Responses to Plaintiff Weldon R. Moake's First Set of Interrogatories, Requests for Production, and Requests for Admission.

I.

MOTION FOR PROTECTION

In addition to the objections hereinafter stated, Defendant seeks the Court's protection with respect to the production and location of production of the massive number of documents requested by Plaintiff.

(A) Defendant seeks relief from the labeling requirements relative to the production. In the event this defendant's objections are overruled, then the Court may be requiring this defendant to produce massive quantities of documents. It would be an unnecessary expense and constitute harassment for this defendant to be put to the additional burden of labeling these documents.

Defendant will produce the documents grouped as they are kept in the ordinary course of business, as provided by Rule 196.3 T.R.C.P., but it reserves the right not to label all things produced, as requested in Plaintiff's instructions.

(B) The documents which may be required to be produced in response to the many requests for production contained herein may be located at a number of different facilities, including Philadelphia, Marcus Hooks, Pennsylvania, or elsewhere. Defendant requests the Court to enter an order protecting it from producing the documents at some specified place other than where they are stored or kept in the ordinary course of business or such other facility as the parties may agree to after conferring.

(C) Defendant seeks the Court's protection limiting Plaintiff's inquiries to information and discoverable materials pre-dating November, 1981, when the refinery at issue in this case was sold by Defendant.

## II.

### GENERAL OBJECTIONS

Defendant objects to those "definitions" contained in Plaintiff's discovery requests which attempt to assign meanings to words which differ from their ordinary and common meanings. These "definitions" render the requests overly broad and unduly burdensome.

Defendant objects to those "definitions" imposed in Plaintiff's discovery requests which purport to create burdens which are not required by the Texas Rules of Civil Procedure and, therefore, are beyond the scope of permissible discovery. Defendant will comply with the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence, and other Texas law in responding to Plaintiff's discovery requests.

Defendant objects to those discovery directed to this Defendant as "successor to" other companies for the reason that such designation is improper in that it misstates this Defendant's capacity. Such is a legally incorrect designation which may impose no greater burden on this Defendant than it has as an individual corporate defendant.

This Defendant objects to those discovery requests of Plaintiff which are not limited to those specific time periods and the refinery which is at issue in this lawsuit because they are overly broad. Defendant specifically objects to responding to each of the following requests, interrogatories and requests for admissions with respect to any facilities other than the facilities located in Nueces County. It will respond with respect to the refinery it owned in Corpus Christi, formerly known as the "Suntide Refinery", which it sold in November, 1981.

As used in the following responses, "the period in question" or similar term refers to the period of time Plaintiff claims to have worked at this Defendant's facility before November, 1981.

Defendant hereby specifically incorporates each of the foregoing objections into each specific answer and response set forth below. The following answers, responses and objections are filed subject to and without waiving these objections and any further objections stated in the answer or response.

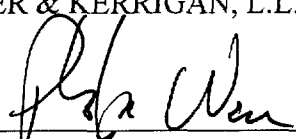
With respect to the following responses, Defendant asserts that they are made at this time based on available information and are subject to correction or amendment as allowed by the Rules. Specifically, Defendant reserves the right to amend the following responses to requests for admissions which, although denied at this time, may at a later date be subject to full or conditional admission based on continuing investigation. The same is true of responses to interrogatories and

requests for production, which, as investigation continues, will be supplemented as required by the Rules.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

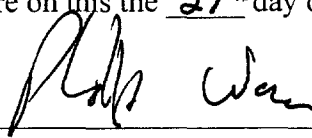
By: \_\_\_\_\_

  
Philip Werner  
State Bar No. 21190200  
1300 Post Oak Blvd., #2225  
Houston, TX 77056  
Telephone: 713-626-2233  
Facsimile: 713-626-9708

ATTORNEYS FOR DEFENDANT,  
SUNOCO, INC. (R&M)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Plaintiffs' counsel pursuant to the Texas Rules of Civil Procedure on this the 27<sup>th</sup> day of August, 2001.

  
\_\_\_\_\_  
Philip Werner

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

Lynn Pitetti, Paralegal  
Sunoco, Inc.  
Ten Penn Center  
1801 Market Street  
Philadelphia, PA 19103-1699

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

- a. asbestosis
- b. lung cancer
- c. mesothelioma

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

ANSWER:

The exact date which this Defendant became aware of potential links between excessive asbestos inhalation and these conditions is unknown.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964 , and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

See attached Exhibit B.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project

superintendents”, “purchasing agents” or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant’s Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant’s Premises At Issue or both and
- b. with respect to Defendant’s Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants’ Premises if they had such responsibilities for workers on Defendant’s Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant’s Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 11:

If Defendant has or had or maintained 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, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

ANSWER:

Asbestos-containing insulation products were used at Defendant's premises for purposes of insulating equipment used at Defendant's refinery. Based on the documents produced in this case, it appears that much of the insulation installed and used at this Defendant's premises were sold to this Defendant by Weldon Russell Moake and his employer, Thorpe Insulation.

INTERROGATORY NO.13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue . For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

ANSWER:

The Suntime Refinery was built in the early 50's, and was owned and operated continuously until November of 1981. During that time, from time to time until 1972, asbestos-containing insulation materials were installed at the refinery. In approximately 1972, this practice was halted, and alternative insulation materials were used. Previously installed asbestos-containing materials remained in place until the date the refinery was sold.

INTERROGATORY NO. 14

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises

where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

ANSWER:

All pertinent materials in Defendant's possession have been produced.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

OBJECTION:

Defendant objects to this interrogatory because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

ANSWER:

None. With respect to the premises in question.

INTERROGATORY NO. 19

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

The refinery in question was sold in November of 1981. The deposition of Judith Fritsch, a corporate representative with knowledge of these facts has previously been taken by counsel for Plaintiffs.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Not applicable.

REQUEST FOR PRODUCTION NO.1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature..

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products at Defendant's Premises At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 10:

Please 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.

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 11:

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, please 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:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 12:

Please 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:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 13:

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

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

REQUEST FOR PRODUCTION NO. 14:

Please 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).

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel. However, material pertinent to this Defendant's defenses may be found in other defendants' production, Plaintiff's own exhibits and testimony, and the testimony of third parties.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 16:

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

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 17:

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

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

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

REQUEST FOR PRODUCTION NO. 20:

Please 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:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel. Please see Thorpe Insulation's responses and production and Plaintiff's own exhibits.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives..

OBJECTION:

Defendant objects to this request because it is overbroad and burdensome, seeks discovery of material privileged by the attorney-client, work product, and joint defense privileges, and is not calculated to lead to the discovery of evidence pertinent to this matter.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. 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 any records relating to Plaintiff's health.

RESPONSE:

None located.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

None located, other than produced by Thorpe Insulation and Plaintiffs.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

OBJECTION:

This request invades Defendant's work product privilege.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter. This Defendant further objects to this request for the reason that it may invade third parties' legitimately expected rights of privacy.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 32:

Please 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.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

See documents produced by all parties to this litigation.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 35:

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

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

REQUEST FOR PRODUCTION NO. 36:

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

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Any relevant documents have been produced.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Any relevant documents have been produced.

REQUEST FOR PRODUCTION NO. 39:

Please 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.

OBJECTION:

This Defendant objects to this request because it is overbroad and burdensome and is not relevant to any issue in this case, as Plaintiff has not shown that he is entitled to submit evidence of

net worth in this case, having shown no actual negligence on the part of this Defendant, much less such malice as would justify an award of punitive damages.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

Please see documents produced by all parties to this litigation.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 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.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 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:

Not applicable.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

The Sales Agreement, containing the applicable indemnity agreement, has been produced.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

This Defendant does not contend that no asbestos was installed on its premises during the pertinent time period.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

This Defendant does not contend that no asbestos was installed on its premises during the pertinent time period.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in any way to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

With respect to the premises in question, Plaintiff's counsel has taken all pertinent depositions.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

With respect to the premises at issue, Plaintiff's counsel has received copies of this Defendant's exhibit list.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

With respect to documents produced by this Defendant, this Defendant will not argue that they are not authentic.

REQUEST FOR ADMISSION NO. 1:

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 At Issue during the Time Period At Issue.

OBJECTION:

This Defendant did not own the premises at issue during the entire time period at issue. This Defendant admits that asbestos-containing products were utilized until 1972. It denies that any such products were installed or used thereafter, except that some remained in place at the premises at issue up until the time it was sold in 1981.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Please see all documents produced by this Defendant and other defendants in this litigation. This Defendant stands by its general denial.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE

Denied.

REQUEST FOR ADMISSION NO. 4:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue:

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Please see all documents produced by this Defendant and other defendants in this litigation. This Defendant stands by its general denial.

REQUEST FOR ADMISSION NO.5:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 6:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted with respect to a portion of the time period at issue during which this Defendant owned the premises at issue.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted with respect to a portion of the time period at issue.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 10:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 11:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE:

Admitted, to the extent that asbestos-containing materials were installed and replaced from time to time during this period.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE:

Admitted, to the extent that asbestos-containing materials were installed and replaced from time to time during this period.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 16:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted that this Defendant did not dictate the manner and practices of independent contractors' work. Otherwise, denied.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted that this Defendant did not dictate the manner and practices of independent contractors' work. Otherwise, denied.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

This Defendant has insufficient knowledge to admit or deny this request. It is therefore denied.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

This Defendant has insufficient knowledge to admit or deny this request. It is therefore denied.

REQUEST FOR ADMISSION NO. 21:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

OBJECTION:

This Defendant objects to this request because it is overbroad, burdensome and is not calculated to lead to the discovery of evidence pertinent to this matter.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 23:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 25:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

OBJECTION:

This request is vague. Defendant has repeatedly admitted that it owned the premises at issue from its construction until November, 1981. Otherwise, denied.

REQUEST FOR ADMISSION NO. 27:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Admitted with respect to completion of the refinery up until November, 1981.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not to provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 39:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 40:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Based on the assumption that Plaintiff's employer, Thorpe Insulation, did work at Suntide Refinery, this request is admitted.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Admitted with respect to results, but not to details of performance.

REQUEST FOR ADMISSION NO. 42:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 43:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 65

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

All discoverable, relevant and responsive material which could be located has been made available to Plaintiff's counsel.

REQUEST FOR ADMISSION NO. 45:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

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REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer what materials to use when doing the work

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 50:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 53:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Admitted, with respect to any work that might have been performed on this Defendant's premises by Plaintiff's employer.

REQUEST FOR ADMISSION NO. 54:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 55:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

It would be this Defendant's practice to have inspected the results of any work performed by independent contractors, if Plaintiff's employer was such and performed work on its premises.

REQUEST FOR ADMISSION NO. 56:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 57:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Denied at this time.

## EXHIBIT B

Unless otherwise noted, the following persons have knowledge of the use, installation and remediation of asbestos-containing products at Defendants' facilities and relationships with contractors, including safety measures and supervisory responsibilities.

Wayne Stewart, M.D.  
Sun Company, Inc.  
Ten Penn Center  
1801 Market Street  
Philadelphia, Pennsylvania 19103  
Medical Director

Jack Stein, M.D.  
Sun Company, Inc.  
Ten Penn Center  
1801 Market Street  
Philadelphia, Pennsylvania 19103  
Medical Director

J. Ronald Ficke, M.D.  
Sun Company, Inc.  
Ten Penn Center  
1801 Market Street  
Philadelphia, Pennsylvania 19103  
Medical Director

Marc K. Powell  
8200 San Diego  
Odessa, Texas 79765  
Industrial Hygiene and Safety Department

Jonathan M. Haas  
1765 Preserve Point Terrace  
Orange Park, Florida 32073  
(904) 264-7939  
Industrial Hygiene and Safety Department

J. L. Laird  
7545 Sweetwind Circle  
Boerne, Texas 78004  
830-981-5106

Mr. Laird is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

Leland Glasgow  
5302 Wentworth  
Corpus Christi, Texas 78401  
361-993-4569

Mr. Glasgow is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

John Kampfenkel  
1308 Circle Lane  
Bedford, Texas 76022  
817-685-8476

Former employee of Sun with knowledge of refining operations and environmental engineering.

N. M. Clements  
14837 Quaterdeck Drive  
Corpus Christi, Texas  
(361) 949-0167

Former employee of Sun and Koch who worked as the plant nurse.

Harry F. Hansler  
1400 Ocean Drive  
Corpus Christi, Texas  
(361) 888-4828  
Maintenance Foreman

Former employee of Koch.

Chico Flores  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811

Former employee of Koch.

Robert E. Fleming  
Human Resources Department  
9625 Paula Drive  
Corpus Christi, Texas  
(361) 241-7371

Mr. Fleming is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

R. C. (Roger) Reyes  
Lead Refinery Project Engineer  
4802 Eider Drive  
Corpus Christi, Texas 78413

Mr. Reyes is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

James Hershel Alston  
Senior Project Engineer  
114 Sharon Drive  
Boerne, Texas 78006  
(830) 249-6209

Mr. Alston is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

R. E. Martiello  
Safety Engineer and Fire Chief  
11101 Leopard  
Box 1035  
Corpus Christi, Texas 78401  
(361) 241-8331

Mr. Martiello is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

H. H. Schaefer  
Route 2, Box 152  
Alice, Texas 78332  
(361) 664-1201

Mr. Schaefer is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

Patti Carrell  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811

Ms. Carrell is an employee of Koch with knowledge of purchasing.

Willis Jernigan  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811

Mr. Jernigan is an employee of Koch with knowledge of safety and health policies.

Dan Shisler  
Koch Industries, Inc.  
P. O. Box 2256  
Wichita, Kansas 67201  
316-828-5026

Mr. Shisler is an employee of Koch with knowledge of claims and insurance.

Gary Carriger  
Koch Industries, Inc.  
P. O. Box 2256  
Wichita, Kansas 67201  
316-828-5026

Mr. Carriger is an employee of Koch with knowledge of records retention and availability at the Corpus Christi facility.

H. Allan Caldwell  
Koch Industries, Inc.  
P. O. Box 2256  
Wichita, Kansas 67201  
316-828-5026  
Attorney for Koch

Mr. Caldwell is an attorney employee of Koch with knowledge of the terms of the purchase of the refineries in Nueces County now owned by Koch. By way of designation, we are not waiving any attorney-client or work product privilege.

Walter Greer  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811  
Corporate representative

Mr. Greer is an employee of Koch who works as an industrial hygienist at the refinery in question.

Walter Tyler  
1401 South Hanley  
St. Louis, MO 63144  
(314) 768-4100

Mr. Tyler is a former employee of Koch Refinery, Corpus Christi, Texas

Mark K. Powell  
8200 San Diego  
Odessa, Texas 79765

Mr. Powell is in the Industrial Hygiene and Safety Department

Edward Derry  
110 E. Janin Circle  
Portland, Texas  
361-643-2701  
Head Mechanical Engineer

Mr. Derry is a former Suntime Refinery employee. He was Head Mechanical Engineer.

Mickey Johnson  
Corpus Christi, Texas  
361-241-4701  
Purchasing Agent

J. D. Johnson  
(Address unknown)  
Former Manager of Maintenance

D. K. (Ken) Coker  
4533 Silver Hollow Dr.  
Corpus Christi, Texas  
(361) 850-8212  
Purchasing Agent

Tom R. Hayes  
P. O. Box 260910  
Corpus Christi, Texas  
(361) 241-4584  
Second Lead Refinery Project Engineer

Mr. Hayes is a former employee of Sun and Koch who has knowledge of refinery operations in Corpus Christi, the relationship between those companies and independent contractors, such as Thorpe Insulation, and related information.

E. R. "Pete" Hall  
Box 215A  
Orange Grove, Texas 78372  
(361) 384-2549  
Maintenance Foreman

Robert E. Fleming  
9625 Paula Drive  
Corpus Christi, Texas  
(361) 241-7371  
Human Resources Department

N. M. Clements  
14837 Quaterdeck Drive  
Corpus Christi, Texas  
(361) 949-0167  
Nurse

C. Milburn  
(Address unknown)  
Supervisor of Loss Control

Michael J. Kerr  
(Address unknown)  
Industrial Hygiene Technician

B. L. (Ben) Graves  
P. O. Box 8  
Dinero, Texas 78350  
(361) 547-6701  
Safety Inspector

R. L. (Roy) Delahoussaye  
Route 1, Box 188  
Odem, Texas 78370  
Operating Superintendent

B. J. (Jack) Roberson  
4741 Willowick  
Corpus Christi, Texas 78413  
(361) 850-8808  
Shift Foreman

E. W. Free, Jr.  
Route 3, Box 208-E  
Corpus Christi, Texas 78415  
(361) 853-3035  
Shift Foreman

Roy Crossland  
Painting and Insulation Department  
Corpus Christi  
(361) 387-2309  
Foreman/Supervisor (retired)

The aforementioned people may have knowledge of refinery operations and may have information concerning Plaintiffs' employment history.

Rus Barnes  
Rural Route 8, Box 1825  
Beaumont, Texas 77705-9808  
(409) 794-1567  
Former employee

Jonathan M. Haas  
1765 Preserve Point Terrace  
Orange Park, Florida 32073  
904-264-7939

Mr. Haas may testify regarding Sun's corporate industrial hygiene and safety rules and procedures. Further, he may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Gus Ruggiero  
Sun Company, Inc.  
Ten Penn Center  
1801 Market Street  
Philadelphia, PA 19103  
Industrial Hygienist

Mr. Ruggiero may testify regarding Sun's industrial hygiene and safety rules and procedures. Further, he may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Edith F. Coen  
Manager-Health, Environmental and Safety  
Sun Pipe Line Company  
P. O. Box 2039  
Tulsa, OK 74102-2039  
918-586-6000

Ms. Coen may testify regarding industrial hygiene, health and safety issues. Further, she may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Wilbur "Bucky" Crisp  
Sun Pipe Line company  
Nederland, Terminal  
P.O. Box 758  
Highway 347  
Nederland, TX 77627  
409-727-2301

Mr. Crisp may testify regarding operation of Sun's Nederland Terminal. Further, he may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Lajaunda Williams  
Sun Pipe Line Company  
Nederland, Terminal  
P. O. Box 758  
Nederland, TX 77627  
409-727-2301

Ms. Williams may testify regarding operation of Sun's Nederland Terminal. Further, she may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Loyse E. Jacob  
719 Lantana, No. 96  
Corpus Christi, Texas 78408  
(361) 289-0324

Mr. Jacob is a former employee of Koch in Corpus Christi.

Dale Janes  
122 Crestwood  
DeQueen, AR 71832  
870-642-2062

Mr. Janes is a former industrial hygienist who was employed by Sun Company and later Koch.

Jim Cline  
P.O. Box 2608  
Corpus Christi, Texas 78403  
Route 1 Suntide Road  
Corpus Christi, Texas 78409  
(361) 242-8711  
Maintenance Manager

Jay Poszy  
P.O. Box 2608  
Corpus Christi, Texas 78403  
(512) 242-4713  
Support Services Manager

Carl Newlin  
(Address unknown)  
Corpus Christi, Texas  
(361) 985-2891

Mr. Newlin is a former employee at the Suntide Refinery.

Bill Richardson  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811  
Purchasing Agent

J.P. Hoffman  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811  
Manager of Operations

J. L. Lawrence  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811  
Maintenance Supervisor

Bill Alkadem  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811

Richard Owen  
Koch Petroleum Group  
P. O. Box 2608  
Corpus Christi, TX 78403  
361-241-4811  
Purchasing Agent

Royce Reeves  
7401 Lake Como  
Corpus Christi, Texas 78413  
(361) 850-8870

Steve Strasma  
Marathon Ashland Petroleum LLC  
1320 Loop 197 South  
P.O. Box 1191  
Texas City, Texas 77592-1191  
Phone: (409) 945-2331

Former employee of Koch with knowledge of safety policies.

Jesus Chavera  
c/o of his attorneys, Baron & Budd, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, Texas 75219  
(214) 521-3605

Sam Celum

Willis Journeyman

Roger Wilkens

Melvin Proctor  
c/o W. Miller Thomas  
Fairchild, Price  
413 Shelbyville Street  
Center, Texas 75935-1336  
936-598-3317

Frank Sheldon, Jr.  
4950 Post Oak Timber  
Houston, Texas 77056  
(713) 622-7602

Judith Fritsch  
Sun Oil Company  
1801 Market Street  
Philadelphia, Pennsylvania

Ms. Fritsch is an employee of Sunoco with knowledge of corporate history, sale of Suntide and spinoff of Oryx.