

NO. 01-02170-C

CALVIN C. MANIE, et al.

Plaintiff,

VS.

U.S. GYPSUM COMPANY, et al.,

Defendants.

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

68TH JUDICIAL DISTRICT

**DEFENDANT EASTMAN CHEMICAL COMPANY'S
RESPONSES AND OBJECTIONS TO PLAINTIFF'S INTERROGATORIES,
REQUESTS FOR PRODUCTION AND REQUEST FOR ADMISSIONS**

TO: Plaintiff, R.B. Nerren, by and through his attorney of record, Baron & Budd, P.C.,
Centrum Building, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Defendant, Eastman Chemical Company ("Eastman"), files the following
responses and objections to Plaintiff's Interrogatories, Requests for Production and Request for
Admissions.

Respectfully submitted,

BAKER BOTTS L.L.P.

By



George T. Shipley
State Bar No. 18267100
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3000 One Shell Plaza
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(713) 229-1522 Facsimile

ATTORNEYS FOR DEFENDANT
EASTMAN CHEMICAL COMPANY

CERTIFICATE OF SERVICE

On September 28, 2001, I served a true and correct copy of Eastman Chemical Company's Responses to Plaintiff's Interrogatories, Requests for Production and Request for Admissions upon Plaintiff's counsel by certified mail, return receipt requested, regular mail, facsimile, and/or hand delivery in compliance with TEX. R. CIV. P. 21 and 21a, and to all known counsel of record shortly thereafter.



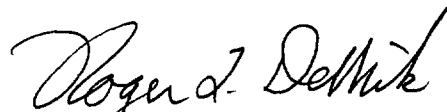
Amy J. Blumrosen

VERIFICATION

STATE OF TENNESSEE

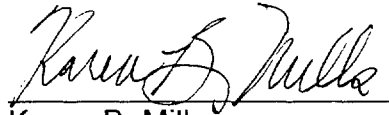
COUNTY OF SULLIVAN, TO-WIT:

ROGER L. DEMIK, being first duly sworn, deposes and says that he is Senior Antitrust Counsel for Eastman Chemical Company, that while he does not have personal knowledge of all the facts recited in the foregoing Defendant Eastman Chemical Company's Responses and Objections to Plaintiffs' Interrogatories, Requests for Production and Requests for Admissions ("Responses") the information contained therein has been collected and made available to him by others, and said Responses are true to the best of his knowledge and belief based upon the information made available to him by others, and that, therefore, the foregoing Responses are verified on behalf of Eastman Chemical Company in this litigation.



Roger L. DeMik

Taken, subscribed and sworn to before me this 27th day of
September, 2001.



Karen B. Mills
Notary Public in and for the
State of Tennessee

My commission expires: March 25, 2003

INTRODUCTORY STATEMENTS AND OBJECTIONS

1. Defendant objects to these interrogatories because they are overbroad and purport to create and/or impose obligations upon Defendant beyond those contemplated by the Texas Rules of Civil Procedure. Defendant will respond to Plaintiff's interrogatories and requests for production pursuant to a reasonable and duly diligent investigation and search. Defendant's responses will be given without prejudice to further supplementation and will be made solely for the purpose of this lawsuit.
2. Defendant has had thousands of employees over the years. In conducting business, Defendant has created millions of documents which have been kept in numerous geographic locations and moved as required in the normal course of business. Accordingly, Defendant does not represent that the responses it will give provide all information requested. Rather, Defendant's responses will reflect information obtained pursuant to a reasonable and duly diligent investigation in those areas where information is expected to be found. If any request purports to require more, Defendant objects on the grounds that compliance with such a request is not reasonable and imposes an undue burden and expense upon Defendant.
3. Defendant also objects to each of the interrogatories and requests for production that are not limited in time or location. A search as requested not limited in time would be unduly burdensome, extremely expensive, and time consuming for Defendant. Any possible benefit to Plaintiff's derived by a search of this nature would be greatly outweighed by the enormous expense to Defendant.
4. Defendant also objects to having been required to attempt to answer these requests without the benefit of Plaintiff's having identified where and when they allegedly worked at an Eastman facility. This situation has required Defendant to incur unnecessary expense in the preparation of these responses.
5. Defendant objects to the overbroad and unduly burdensome nature of Plaintiff's requests for "all" documents that relate to specific requests as it invades the attorney-client, work product, investigative and joint defense privileges.

OBJECTIONS TO DEFINITIONS

1. Defendant objects to Plaintiff's definition of the term "Defendant," "Your company," "You," and "Your" because they are overbroad. The definition indicates that terms "Defendant," "Your company," "You," and "Your" mean "the corporate Defendant answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates." Plaintiff's inclusion of "subsidiaries" and "predecessors" purports to require Defendant to respond on behalf of entities which are not parties to this action and for which Defendant is not liable. Further, the inclusion of "subsidiaries" or "predecessors" makes these interrogatories grossly overbroad and unduly burdensome and requires the expenditure of even larger numbers of man-hours to prepare a response. Defendant also objects to these definitions because they are designed to harass and impose an undue burden on Defendant.

2. Defendant objects to Plaintiff's definition of the terms "document," "documents," "written material," and "printed material" because they are overbroad, vague, and contrary to the standard definition of this term. Defendant further objects to Plaintiff's definitions because they are inconsistent with the definition found in Rule 192.3(b) the Texas Rules of Civil Procedure and, as such, purport to impose obligations on Defendant beyond those contemplated by the Texas Rules of Civil Procedure.
3. Defendant objects to Plaintiff's definition of "person" and "persons" as overbroad and inconsistent with the standard definition and usage of these terms.
4. Defendant objects to Plaintiff's definition of "meeting" and "meetings" as overbroad and beyond the scope of the standard definition and usage of these terms.
5. Defendant objects to Plaintiff's definition of the terms "describe" and "description" in that Plaintiff's definition improperly requires Defendant to speculate as to what information Plaintiff's would consider "sufficient."
6. Defendant objects to Plaintiff's definitions of the words "product containing asbestos fibers," "asbestos-containing products," "asbestos products," and "asbestos materials" because they are grossly overbroad. Defendant objects to Plaintiff's definition because it is designed to harass and impose an undue burden on Defendant.
7. Defendant objects to Plaintiff's definition of the words "medical advisory capacity" as overbroad, unduly burdensome, and vague. Plaintiff's definition is not reasonably calculated to lead to the discovery of admissible evidence in that this definition is in no way limited to the specific medical issues involved in this matter.
8. Defendant objects to Plaintiff's definition of the words "trade organization" and "trade association" because it is overbroad and unduly burdensome. Plaintiff's definition of these terms is calculated to harass Defendant rather than to obtain discovery of discoverable information. Plaintiff's definition seeks to impose obligations on Defendant far beyond those contemplated by the Texas Rules of Civil Procedure.
9. Defendant objects to Plaintiff's definition of the words "plant" and "facility" because it is overbroad, undefined, and unduly burdensome. Plaintiff's definition is not limited to the "plant(s)" at issues in this lawsuit and is, therefore, not calculated to lead to the discovery of admissible evidence. Moreover, Plaintiff's have not identified the facilities at issue in this lawsuit.
10. Defendant objects to Plaintiff's definition of the words "manufacture" and "manufactured" because it is overbroad, and unduly burdensome. Plaintiff's definition is not limited to any particular "product" or "material" at issues in this lawsuit and is, therefore, not calculated to lead to the discovery of admissible evidence.
11. Defendant objects to Plaintiff's definition of the words "research" and "research department" because it is grossly overbroad and places obligations on Defendant far beyond those contemplated by the Texas Rules of Civil Procedure.

12. Defendant objects to Plaintiff's definition of the words "medical department" and "safety department" as overbroad and unduly burdensome. Plaintiff's definition is in no way limited to Defendant's facility, or facilities, at issue in this lawsuit and is therefore beyond the scope of discovery permissible under the Texas Rules of Civil Procedure.

13. Defendant objects to Plaintiff's definition of the words "industrial hygiene surveys" as overbroad, vague and unduly burdensome. Again Plaintiff's definition fails to identify the specific facility, or facilities, at issue in this lawsuit at which Plaintiff's alleged exposure to asbestos occurred.

14. Defendant objects to Plaintiff's definition of the words "potential health hazards" and "health hazards" as grossly overbroad and unduly burdensome. The scope of Plaintiff's definition is not limited in any way to the type of friable asbestos or the facilities which are at issue in this lawsuit.

15. Defendant objects to Plaintiff's definition of the terms "test" and "testing" as grossly overbroad and placing obligations on Defendant far beyond those contemplated by the Texas Rules of Civil Procedure.

INTERROGATORIES

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: In addition to its Introductory Objections and the parameters established in its introductory statement, Defendant objects to this request because it seeks to impose obligations on Defendant beyond those contemplated by the Texas Rules of Civil Procedure. Subject to this objection, these responses and objections are the corporate responses of Defendant and, as such, are disassociated from any specific individuals. Defendant is a large corporation, and these responses came from many different sources. The information in these responses was gathered and assembled by numerous current and former employees of Defendant with assistance from lawyers employed by Defendant and Defendant's trial counsel at Baker Botts L.L.P.

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

ANSWER: Subject to and without waiving the foregoing objections, Defendant states that this type of information, and knowledge thereof, develops gradually over time and is constantly evolving. Defendant has employed thousands of persons at its various plant locations, including its Longview, Texas facility. Defendant is not able to determine precisely how or when it, as a corporation, learned of the matters inquired of. However, Defendant would state that persons in its Longview, Texas facility became aware that certain types and amounts of asbestos exposure could cause asbestos-related lung problems or disease in some industrial settings in the early 1960's.

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.

ANSWER: Defendant objects to this interrogatory on the grounds that it is not reasonably limited in scope to any reasonable or relevant time or location, seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Defendant is not specifically aware that any trade group to which Defendant has belonged over the years that has disseminated any such information. Defendant reserves the right to supplement this response as discovery develops.

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this interrogatory as being overbroad and unduly burdensome. Defendant further objects to this interrogatory as seeking irrelevant information not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information unrelated to the circumstances surrounding the Plaintiff's alleged exposure and medical conditions.

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Defendant should not be required to respond to this request until Plaintiff specifically identifies the corresponding period of time at which Plaintiff alleges exposure with respect to Defendant.

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.

ANSWER: Defendant objects to this interrogatory on the grounds that it is not reasonably limited in scope to any reasonable or relevant time or location, seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Defendant is not specifically aware that any trade group to which Defendant has belonged over the years that has disseminated any such information. Defendant reserves the right to supplement this response as discovery develops. Furthermore, Defendant should not be required to respond to this request until Plaintiff specifically identifies the corresponding period of time at which Plaintiff alleges exposure with respect to Defendant.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S. W. 2d 145 (Tex. 1989).

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", or 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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff has identified

the time period at issue, Defendant will produce documents, if any, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

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.)

ANSWER: Defendant objects to this interrogatory on the grounds that it is overly broad, not reasonably limited in scope to any reasonable or relevant time, seeks information not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Defendant further objects to Plaintiff's request as premature as Plaintiff has not yet identified the time frame at issue.

Subject to and without waiving the foregoing objections, Defendant responds as follows:
An on-site medical department has been in place since the mid-1950's.

C.E. Lewis, M.D. – Medical Director (Address Unknown)	5/01/59-12/31/60
Robert L. Raleigh, M.D. – Medical Director (Address Unknown)	1/01/61-7/31/66
George L. Hardy, M.D. – Medical Directory (address unknown)	1966 - 1982
B.N. Killingsworth – Safety Engineer 331 Tyron Road, Longview, Texas 75605	10/56-12/76
Don Pringle - Industrial Hygienist Associate 3110 Brent Road, Longview, Texas (903) 663 – 1434	Retired

W.H. Lauderbach – Safety Supervisor
(deceased)

Larry C. Stetzner – Medical Director
Texas Eastman Division -
Eastman Chemical Company
P.O. Box 7444
Longview, Texas 75607-7444

1989 - Present

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Defendant should not be required to respond to this request until Plaintiff specifically identifies the corresponding period of time at which Plaintiff alleges exposure with respect to Defendant.

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Defendant should not be required to respond to this request until Plaintiff specifically identifies the corresponding period of time at which Plaintiff alleges exposure with respect to Defendant.

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving the following objections, an industrial hygiene laboratory was established and supervised by an industrial hygienist who became certified by the American Board of Industrial Hygiene in *Comprehensive Practice of IH* (1974). This laboratory has monitored employee exposures to dust when performing certain duties and made recommendations to departmental supervision and upper management regarding employee protection.

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.

ANSWER: Subject to and without waiving the foregoing objections, Defendant states that it is not possible to describe every item of equipment provided for any and all purposes and the precise circumstances involved with each occasion. However, Defendant does state that it has provided numerous types of personal protective equipment to Eastman employees since the

facility was begun in 1950. Such equipment is/was provided to employees who have a potential to be affected by various chemical and/or physical agents. In summary, job hazard analysis is conducted to determine the specific safety equipment needed for a particular job. Equipment provided to employees would include, but not limited to, hard hats, cover-alls, slicker suits, rubber boots, safety glasses, gloves, knee shields, cool vests, ear plugs, ear muffs, fire brigade bunker suits, self contained breathing apparatus, air supplied respirators, dust masks and negative pressure respirators with HEPA filter/organic cartridges. Unless and until Defendant is provided more specific information from Plaintiff concerning the time periods and areas worked in which Plaintiff alleges exposure to asbestos products, Defendant is unable to provide additional information responsive to this interrogatory.

Persons with knowledge of this subject, Defendant states that it is not possible to state with certainty who is "most knowledgeable"; however, Defendant states that the following persons are believed to have knowledge of the matters inquired of:

Andy Hayden – Sr. Industrial Hygienist, Texas Eastman Division; Eastman Chemical Company, P.O. Box 7444, Longview, Texas 75607.

Rick Bure - Sr. Industrial Hygienist, Texas Eastman Division; Eastman Chemical Company, P.O. Box 7444, Longview, Texas 75607.

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.

ANSWER: Subject to and without waiving these objections, Defendant assumes it was subject to those state and federal regulations concerning asbestos, if any, that were applicable to all similarly situated industries, which regulations, laws, and statutes are equally available in the public record for review by Plaintiff. Further, Defendant has diligently attempted to stay abreast of and comply with applicable laws, regulations, etc. This type of information and knowledge thereof, develops gradually over time and is constantly evolving. Defendant has employed thousands of persons at various plant locations, including its Longview, Texas facility. Consequently, Defendant is not able to determine precisely when it, as a corporation, became aware of a particular law or regulation.

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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.

ANSWER: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its

meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Eastman Kodak owned and possessed all rights of ownership regarding the Premise At Issue. However, Eastman Chemical acquired the premises at issue in 1994 along with all assumptions of liabilities.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors.

REQUESTS FOR PRODUCTION

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff identified the time period at issue, Defendant will produce documents, if any exists, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff has not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff identified the time period at issue, Defendant will produce documents, if any exists, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this interrogatory as being overbroad and unduly burdensome. Defendant further objects to this interrogatory as seeking irrelevant information not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information unrelated to the circumstances surrounding the Plaintiff's alleged exposure and medical conditions.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this interrogatory as being overbroad and unduly burdensome. Defendant further objects to this interrogatory as seeking irrelevant information not reasonably calculated to lead to the discovery of admissible evidence in that it seeks

information unrelated to the circumstances surrounding the Plaintiff's alleged exposure and medical conditions.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loflin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue or Plaintiff's employer and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loflin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff identified the time period at issue, Defendant will produce documents, if any exists, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible

evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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).

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as overbroad to the extent it is not limited to a time frame corresponding with Plaintiff's allegations against Defendant in this lawsuit. Defendant also objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Defendant should not be required to respond to this request until Plaintiff specifically identifies the corresponding period of time at which Plaintiff alleges exposure with respect to Defendant.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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, 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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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 Plaintiff's Interrogatories.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 22:

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

In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations

against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff identified the time period at issue, Defendant will produce documents, if any exists, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Subject to and without waiving these objections, after Plaintiff identified the time period at issue, Defendant will produce documents, if any exists, for inspection by Plaintiff's counsel at a mutually agreeable time and place.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Furthermore, Plaintiff was never an employee of Defendant.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989). Furthermore, Plaintiff was never an employee of Defendant.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in anyway 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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: In addition to its Introductory Objections and the parameters set forth in its Introductory Statement, Defendant objects to this request as overly broad and unduly burdensome and as exceeding the scope of the Rules. Subject to the above, Defendant will make all exhibits and witness documents that are required to be produced under the Rules available for inspection by Plaintiff's at a mutually convenient time and place.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is

not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: In addition to its Introductory Objections and the parameters set forth in its Introductory Statement, Defendant objects to this request as overly broad and unduly burdensome and as exceeding the scope of the Rules. Subject to the above, Defendant will make all exhibits and witness documents that are required to be produced under the Rules available for inspection by Plaintiff's at a mutually convenient time and place.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is

not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant will produce documents responsive to Plaintiff's request, if any, at a mutually convenient time and place. In response to this request, Defendant also refers Plaintiff to the documents produced, or to be produced, in this matter.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as assuming disputed facts that Plaintiff was ever present at Defendant's premise. Furthermore Defendant objects to this request because Plaintiff has not yet identified the time frame at issue. Also, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birdo v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992).

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, I OK 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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as assuming disputed facts that Plaintiff was ever present at Defendant's premise. Furthermore Defendant objects to this request because Plaintiff has not yet identified the time frame at issue. Also, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v.*

Cunningham, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992).

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the

permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, after a diligent search Defendant has identified no documents that are responsive to this request. If Defendant becomes aware of relevant documents responsive to this request, they will be made available to Plaintiff's counsel for inspection at a mutually agreeable time.

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.).

RESPONSE: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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.

RESPONSE: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it

constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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.

RESPONSE: Defendant objects to this request on the grounds that it is overly broad, is not reasonably limited in scope to any reasonable or relevant time, location, type of product, or type of activity, it seeks information and/or documents not relevant and/or material in this cause, is not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUESTS FOR ADMISSION AND FURTHER REQUESTS FOR PRODUCTION

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.

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request as assuming disputed facts that Plaintiff was ever present at Defendant's premise. Furthermore Defendant objects to this request because Plaintiff has not yet identified the time frame at issue. Also, Defendant objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992).

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 At Issue during the Time Period At Issue.

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after reasonable a inquiry Defendant is unable to admit or deny this request.

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: Not applicable.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after reasonable a inquiry Defendant is unable to admit or deny this request. Subject to and without waiving these objections, Denied. Based upon reasonable inquiry and information known, Defendant began air sampling and monitoring for asbestos in 1972.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to its Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is grossly over broad, vague, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As drafted, this request would require Defendant to manually search through all purchasing files, of which the volume is overwhelming, in order to determine which documents pertain specifically to asbestos materials, asbestos removal and/or insulation materials. Additionally, due to the passage of time, many documents are no longer available as they have been destroyed in accordance with Defendant's records retention program. Defendant further objects to Plaintiff's request as premature as Plaintiff's have not yet identified the time frame at issue and as over broad because it is not limited to a time frame corresponding with Plaintiff's allegations against this Defendant in this lawsuit. Moreover, Defendant objects to this request because it constitutes a fishing expedition of the sort prohibited by *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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.

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet

identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because Plaintiff has not yet identified the time frame at issue and as over broad. Subject to these objections, after a reasonable inquiry Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not

identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors. Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors. Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors. Also,

Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors. Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Subject to and without waiving these objections, Defendant admits that it owned and possessed all rights of ownership regarding the Premise At Issue. This is not to say that Defendant controlled the work of employees or independent contractors. Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny.

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: Not applicable.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not

identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297 S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.

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: In addition to Defendant's Introductory Objections and the parameters established in its Introductory Statement, Defendant objects to this request because it is unclear in its meaning and could assume facts disputed. Moreover, Defendant objects to this request because it calls impermissibly calls for an admission of a legal question. *Gore v. Cunningham*, 297

S.W.2d 287 (Tex. Civ. App. – Beaumont 1956, writ ref'd n.r.e.); *Birido v. Parker*, 842 S.W.2d 699 (Tex. App. – Tyler 1992). Also, Defendant objects to this request because Plaintiff has not identified his employer and the time frame at issue. Therefore, Defendant is unable to admit or deny this request.