

SEP 17 1988 6757

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September 15, 1998

Edie Rubalcaba, District Clerk
Room 103, County Courthouse
500 E. San Antonio
El Paso, Texas 79901

Re: Cause No. 97-3462; Arturo Avila, et al vs. Owens Corning, et al; County Court At
Law No. 4, El Paso County, Texas

Dear Mr. Rubalcaba

Enclosed for filing in the above cause of action is an original and one copy of
Chevron U.S.A. Inc.'s Objections and Responses to Plaintiffs' First Set of Interrogatories
and Request for Production.

Please acknowledge receipt and date of filing by stamping the extra copy and
returning it to our office in the enclosed self addressed stamped envelope.

By copy of this letter, all known counsel of record are being furnished with a copy
of this answer.

Sincerely,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.

A handwritten signature in dark ink, appearing to read "MTB".

Michael T. Bridwell

MTB:csf
23495\130180

Enclosures

cc: Ms. Mary Skelnik
All known counsel of record

CAUSE NO. 97-3462

ARTURO AVILA, SAMUEL A. DIAZ;
PEDRO S. MONTES, JR.; BENJAMIN
MILNER; REGINO M. ORTEGA;
FRANCISCO PADILLA; OSCAR F.
PEREZ; SALVADOR QUINTANILLA;
DAVID RAZO; and RAMON TORES

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IN THE COUNTY COURT OF

VS.

EL PASO COUNTY, TEXAS

OWENS CORNING, ET AL

COUNTY COURT AT LAW
NO. 4

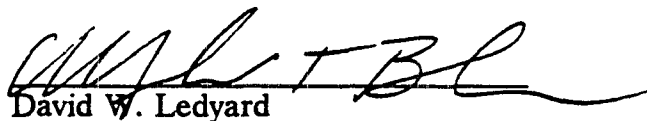
**CHEVRON U.S.A. INC.'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND REQUEST FOR PRODUCTION**

TO: PLAINTIFFS, by and through his attorney of record, Ms. Alicia J. Haff, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A. INC., Defendant herein, and makes and files this its
Response to Plaintiff's First Set of Interrogatories and Request for Production.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.



David W. Ledyard
State Bar No. 12109400
Michael T. Bridwell
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14th Floor, San Jacinto Building
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ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Chevron U.S.A. Inc.'s Answers to Plaintiffs' First Set of Interrogatories and Request for Production is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this the 15 day of September, 1998.

A handwritten signature in black ink, appearing to read "D. W. Ledyard", written over a horizontal line.

David W. Ledyard

NOTICE REGARDING APPLICABILITY OF OBJECTIONS

The following objections apply to each and every interrogatory and request for production which includes or utilizes any term, definition, phrase or instruction to which any objection is made.

Any response to any request for production or interrogatory is made subject to each and every applicable objection and without waiving any such objection. Any responses likewise and made subject to and without waiving any individual objection made specifically to the interrogatory or request for production for which the response is offered.

OBJECTIONS

A. OBJECTIONS TO DISCOVERY

1. Defendant objects to Plaintiff's First Set of Interrogatories and Request for Production in their entirety because they were served at a time in direct contravention of Standing Order No. 1 for asbestos litigation in the District Courts and County Courts at Law of El Paso County, Texas. Plaintiff served the subject discovery on or about June 30, 1998 at a time when Standing Order No. 1 prohibited such interrogatories being served and responses being required without leave of court after hearing. See Paragraph No. 14 of Standing Order No. 1.
2. Defendant objects to Plaintiff's Interrogatories and Request for Production as they are overly broad, over burdensome and harassing given that Plaintiff's have not yet adequately specified the work history of Edmundo Hermosillo. Specifically, Defendants would show that Standing Order No. 1 includes master discovery propounded to the plaintiff which provide that the Plaintiff is to detail the applicable employment history including, the dates when the decedent worked for each employer, the location and description of each job site where the decedent was employed, the dates the decedent worked at each such job site, the wage rate for each job site where asbestos exposure is claimed, each job site where the Plaintiff claims the decedent was exposed to asbestos, the dates when it is claimed decedent was exposed to asbestos and the name, business address, home address, relationship to Plaintiff and present occupation of each and every witness that has knowledge of fact relevant to any time that Plaintiff claims that the decedent was exposed to asbestos containing products. The information provided by Plaintiffs did not (and still does not) comport with the requirements of Standing Order No. 1 and accordingly, Plaintiffs have not provided sufficient information to establish presence of the decedents on Defendant's premises such that discovery to Defendant is justified.
3. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek documents or information protected by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, the witness statement privilege, or any other applicable privilege or immunity from discovery provided by Texas Rule of Civil Procedure 166b(3), the Texas Rules of Civil Evidence, and/or the common law. At the appropriate time, Defendant will satisfy its burden of establishing the privileged status of any information, document, or category of documents withheld on grounds of privilege, including, if necessary, by producing such documents for

in camera inspection by the Court.

4. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek documents or information not in the possession, custody, or control of Defendant. Such requests seek documents or information (i) not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence and (ii) outside the scope of permissible discovery.
5. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information or documents outside the relevant time period. Plaintiff's requests and interrogatories span more than any possible period of time during which Mr. Hermosillo could have been employed at the facility in question and thus are overly broad, unduly burdensome, harassing, and call for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
6. Defendant objects to Plaintiff's interrogatories and document requests to the extent they seek information or documents pertaining to injuries or human health effects which are not reasonably similar to those alleged by Plaintiff in this lawsuit, and therefore not relevant to any issue in this lawsuit.
7. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek to require production of information which is equally available to the Plaintiff as to Defendant.
8. Defendant objects to the whole of Plaintiff's discovery requests as so overly broad and overburdensome that Plaintiff's discovery constitutes harassment. This suit involves a person employed by a finite number of employers at a finite number of locations during specific years (albeit yet unidentified specifically by Plaintiffs). Plaintiff's claim is that decedent was exposed to asbestos containing produces on Defendant's premises during the course and scope of his employment with various known employers. Plaintiffs should be seeking production of records and information relevant to issues raised by that particular fact situation. Plaintiff's attempts to expand discovery to include information regarding irrelevant time periods and irrelevant materials produced at irrelevant locations by irrelevant persons or entities constitutes an impermissible abuse of the discovery rules and general misuse of the laws of the State of Texas.
9. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information regarding trade secrets, confidential data, or other proprietary information.
10. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information that is not within the known personal knowledge of Defendant or its current employees.
11. Defendant objects to any of Plaintiff's interrogatories and document requests which seek information regarding entities other than Defendant. Such interrogatories and requests

are overly broad, unduly burdensome and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12. Defendant objects to any of Plaintiff's interrogatories or document requests which seek information on any facility than its El Paso, Texas facility. Such interrogatories and requests are overly broad, unduly burdensome, and seek information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the attorney work product privilege and attorney/client privilege in violation of Rule 166b(3) (a) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are intended to include predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate defendant, any interrogatory or request for production utilizing these terms is so overly broad, and over burdensome as to make any request or interrogatory utilizing the term virtually impossible to answer. Further, to the extent the definition is intended to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, any interrogatory or request for production utilizing any of these terms is necessarily overly broad, over burdensome and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiffs apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer have dominion or control. Any interrogatory or request for production utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.
2. Defendant objects to Plaintiff's definition of the terms "document", "documents", "written materials", or "printed matters" as the definition of those terms renders any interrogatory or request for production utilizing any of these terms overly broad, over burdensome, harassing, and reduces any such interrogatory or request for production to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is neither relevant nor reasonably calculated to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.
3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any

interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.

4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.
5. Defendant objects to Plaintiff's definition of the term "medical advisory capacity" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
6. Defendant objects to Plaintiff's definition of the terms "medical department" and "safety department" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
7. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any interrogatory or request for production utilizing these terms is vague and ambiguous in that issues exists and minds differ with respect to impairments or disabilities and their associations with exposures to asbestos dust and fibers, if any.

**DEFENDANT'S SPECIFIC RESPONSES TO
PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION**

INTERROGATORY NO. 1:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant specifically objects to this interrogatory as it invades the discovery exemptions afforded by the attorney work product privilege, the attorney/client privilege and the party communication privilege all of which are embodied in Rule 166b (3) (a), (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this interrogatory in that this type of interrogatory is more appropriately directed to a natural person. Defendant is a corporation. Defendant further objects to this interrogatory because it calls for answers in excess of thirty interrogatories. Defendant further objects to this interrogatory as being overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2:

Please identify each person known to Defendant as having knowledge of facts relevant to this case. For each person identified, please describe the relevant facts which you believe are within such person's scope of knowledge and about which such person could be expected to testify if called to trial as a witness. Further, if such person is or has been an employee of Defendant, please state the years of employment and the person's employment positions.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to that portion of this interrogatory which purports to place a burden upon Defendant to describe particular facts within the knowledge of any particular person and about which such person could be expected to testify if called as a witness. Such an inquiry invades the privilege afforded attorney work product by Rule 166b (3)(a) of the Texas Rules of Civil Procedure and further places a burden upon Defendant in excess of that which is required by the Texas Rules of Civil Procedure. As such, the interrogatory is overly broad and over burdensome. Defendant further objects to this interrogatory as overly broad, over burdensome, vague, ambiguous and harassing given Plaintiff's definition of the term "Defendant".

INTERROGATORY NO. 3:

Have you owned, operated, controlled, possessed, or otherwise managed or occupied Defendant's Premises at all times that Plaintiff worked or was present at Defendant's Premises? If not, please state the dates wherein Defendant owned, operated, controlled, possessed and managed Defendant's Premises, the entity from whom Defendant acquired Defendant's Premises, the entity to whom Defendant sold Defendant's Premises and the person with the most knowledge of each transaction.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the terms "you" and "Defendant" and because Plaintiff has not identified those specific times, if any, that Plaintiff worked or was present at the premises in question. This interrogatory therefore asks for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

If you contend that Plaintiff has used a misnomer or sued a wrong party in this action, please explain this basis for this contention and list the parties who should be sued state any corrections of misnomers that you contend Plaintiff has made.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the term "you".

INTERROGATORY NO. 5:

If you contend that you do not have the legal capacity to be sued, or that Plaintiff cannot recover in the capacity in which he has sued, or that you are not liable in the capacity in which you have been sued, please explain the basis for the contention.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the term "you".

INTERROGATORY NO. 6:

Please state whether a medical monitoring program, medical examination program or other medical surveillance program ("program") was provided to workers at Defendant's

Premises. If such programs were offered, please describe these programs in detail; specify in your response to whom such programs were offered (i.e. contractor employees and Defendant employees); describe the dates that the aforementioned programs were in place; and state what documents concerning the described programs exist.

ANSWER:

In addition to all previous objections which are incorporate herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and that it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to any applicable time period. Defendant further objects to this interrogatory as vague and ambiguous given Plaintiff's definition of the term "Defendant". Defendant further objects to this interrogatory to the extent it seeks information which may be confidential, privileged or private to other persons who are otherwise protected from disclosure.

INTERROGATORY NO. 7:

Please state the years during which Defendant operated a medical department and identify all persons who directed, headed or supervised said department and state the years of their service in that capacity.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as vague and ambiguous given Plaintiff's definition of the term "Defendant". Defendant further objects to this interrogatory as it is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because the interrogatory is not limited to the applicable time periods (which have yet to be provided by plaintiffs) nor in scope to the premises made the basis of this action.

INTERROGATORY NO. 8:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate when the equipment was first provided to whom the equipment was provided and under what circumstances the equipment was provided. Further, identify the person with the most knowledge of your "safety equipment" policies.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague, ambiguous, overly broad and over burdensome given

Plaintiff's definition of the term "you". Defendant further objects to this interrogatory as overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence given that the term "safety equipment" is nowhere defined and necessarily therefore includes equipment which is in no way relevant to Plaintiff's claims. Defendant further objects to this interrogatory as it is not limited to any applicable time period nor in scope to any applicable unit, work site or to contractors.

INTERROGATORY NO. 9:

Please list all asbestos-containing products ("products") used at Defendant's Premises and state what these products were used for, from whom these products were purchased, where these products were installed, and the specific persons or contractors who installed these products. Further, indicate the first year each specific asbestos-containing product was no longer purchased and installed on Defendant's Premises.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant further objects to this interrogatory as overly broad, over burdensome and harassing in that it is not limited in scope nor to any applicable time period. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as it constitutes an impermissible fishing expedition in violation of Texas law as respects discovery.

INTERROGATORY NO. 10:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time. If so, please list each person or company involved with the abatement of asbestos, including address and telephone number, and state the dates and particular locations of each abatement procedure.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, overburdensome and not limited in time nor scope. Defendant further objects to this interrogatory as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 11:

Identify by name and location each facility owned or operated by you in which asbestos-containing products have been manufactured, assembled, distributed, or sold. Include in

your response a detailed description of each such product and the amount of asbestos in each such product.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, overburdensome, harassing and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as it is vague and ambiguous as well as overly broad and over burdensome given plaintiff's definition of the term "you". Plaintiff has not identified any products in this litigation to which she claims Edmundo Hermosillo was exposed which are alleged to have been manufactured, assembled, distributed or sold by this defendant.

INTERROGATORY NO. 12:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and harassing in that it is not limited to the applicable time period nor in scope to the facility made the basis of this suit. As such, it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad, over burdensome, vague and ambiguous given plaintiff's definition of the term "your". Plaintiff's request constitutes an impermissible fishing expedition in violation of Texas law regarding discovery.

INTERROGATORY NO. 13:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please state when this policy was implemented; describe this policy in detail; state to whom it applied (i.e. Defendant employees and contractor employees); and describe what types and brand names of respirators were required by you.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and harassing in that it is not

limited to the applicable time period nor in scope. As such, it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad, over burdensome, vague and ambiguous given plaintiff's definition of the term "you". Plaintiff's request constitutes an impermissible fishing expedition in violation of Texas law regarding discovery.

INTERROGATORY NO. 14:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome and not limited to the applicable time period. As such, this interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 15:

If you contend that you have not been negligent towards Plaintiff, as Plaintiff has alleged in Plaintiffs Original Petition and any amendments thereto, please state in full the basis for this contention and describe all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, vague and harassing, especially given Plaintiff's definition of the term "you". Defendant further objects to this interrogatory because Defendant has insufficient information from plaintiff (including dates or periods during which Plaintiff alleges Plaintiff's decedent's exposure at Defendant's property and the nature and location of the work performed) to adequately investigate. Defendant further objects to this interrogatory to the extent it calls for information exempted from discovery by the privileges afforded by Rule 166b (3) (a), (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence.

INTERROGATORY NO. 16:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, vague and harassing. The interrogatory is not limited in time nor scope and it is especially vague and ambiguous given the Plaintiff's definition of the term "you". Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 17:

Has Defendant ever published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, describe the printed material and identify each person responsible for having drafted or issued the warning statements or written dates when the printed material was first issued or distributed.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, harassing and not limited to any applicable time period. This interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to the hazards of asbestos, state the names of such organizations and list the dates of membership.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome and harassing. Defendant further objects to the purported burden of this interrogatory to search all materials ever published by any of these trade organizations for any specific information.

INTERROGATORY NO. 19:

Identify every individual ever employed at Defendant's facilities who has made or presented a Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos. Please include in your response the date of any such claims and a description of the injury alleged.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, harassing and not limited to any applicable time period. Defendant further objects to this interrogatory insofar as it is potentially violative of the rights of privacy of other individuals making such claims, if any. To the extent the interrogatory seeks information about lawsuits, such records are public and the information is equally available to plaintiffs or their counsel.

INTERROGATORY NO. 20:

If Defendant has insurance policies that might cover the claims made by Plaintiff in this case, please list the name of each insurance carrier, the policy number, the amount of available coverage, and the effective dates of each policy.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, overburdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 21

Please state the following with respect to each expert witness that you may call during trial of these cases:

- a. Identify the expert witnesses;
- b. the subject matter on which the expert is expected to testify;
- c. the substance of the facts and opinions which underlie the expert's opinion; and,
- d. a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory because plaintiff has yet to specifically identify the work sites at which she claims decedent was allegedly exposed and the specific dates of such alleged exposure as required by Standing Order No. 1.

INTERROGATORY NO. 22:

Please state the year you first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards. Further, please identify any documents that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome, vague, harassing and it calls for information which is neither relevant or reasonably calculated to the lead to the discovery of admissible evidence. This interrogatory is especially vague and harassing given Plaintiff's definitions of the terms "you" and "defendants". Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Defendant objects to this interrogatory in that it purports to place a burden on Defendant to sift through the universe of documents and identify those which would indicate that asbestos fibers, when inhaled, can be hazardous.

**DEFENDANT'S SPECIFIC RESPONSES TO
PLAINTIFF'S REQUEST FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 1

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:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope. To the extent this request purports to call for the production of books, reports of plaintiff's experts, and the like, all such material is equally available to Plaintiffs.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope to the facility alleged to be the basis of Plaintiff's claims.

REQUEST FOR PRODUCTION NO. 5:

Produce all safety meeting minutes or other documents, that refer to the dangers of

asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope. Defendant further objects to this interrogatory as vague and ambiguous.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party

communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope.

REQUEST FOR PRODUCTION NO. 9:

Produce all documents that relate to abatement of asbestos from any of your plants, including but not limited to the Defendant's Premises located in El Paso, Texas.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope to the applicable premises alleged to be involved in the incidents made the basis of plaintiff's suit.

Defendant further objects to this interrogatory as additionally vague, overly broad, over burdensome and irrelevant given Plaintiff's definition of the term "your".

REQUEST FOR PRODUCTION NO. 10:

Produce all documents related to the medical condition of Edmundo Hermosillo at any time during his employment at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiffs health.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it assumes that Edmundo Hermosillo was an employee of Defendant, which is denied.

REQUEST FOR PRODUCTION NO. 11:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE:

Plaintiff was not an employee of this Defendant and accordingly, Defendant has no "personnel" file from Defendant's premises.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is trade secret and/or proprietary and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope to the actual units or areas of Defendant's facilities at which

Plaintiff claims decedent was allegedly exposed to asbestos (as such areas are units are yet unidentified).

REQUEST FOR PRODUCTION NO. 13:

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 all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope. Defendant further objects to this request as calling for material which is equally accessible to Plaintiffs.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope. Defendant further objects to this request insofar as it calls for material exempted from discovery by the privilege afforded proprietary or trade secret information. Defendant further objects to this request as calling for information concerning units or locations at Defendant's premises which have not yet been identified by Plaintiffs as required by the Master Interrogatories affixed to Standing Order No. 1.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope. Defendant further objects to this request insofar as it calls for material exempted from discovery by the privilege afforded proprietary or trade secret information. Defendant further objects to this request as calling for information concerning units or locations at Defendant's premises which have not yet been identified by Plaintiffs as required by the Master Interrogatories affixed to Standing Order No. 1.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time. Defendant further objects to this request as calling for information which is proprietary or private to other individuals claiming such injuries, if any. To the extent any such claims resulted in law suits, such records are public and equally available to Plaintiffs.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope to the facility alleged to be made the basis of this suit.

REQUEST FOR PRODUCTION NO. 18:

Produce all insurance policies that might cover the claims made by Plaintiff in this case.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, overburdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time.

REQUEST FOR PRODUCTION NO. 20:

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:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time. Defendant further objects to this request as vague, ambiguous, overly broad, over burdensome and harassing given Plaintiff's definition of the term "your".

REQUEST FOR PRODUCTION NO. 21:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope. Defendant further objects to this request as vague, ambiguous, overly broad, over burdensome and harassing given Plaintiff's definition of the term "Defendant".

REQUEST FOR PRODUCTION NO. 22:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therein.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as overly broad and over burdensome. Defendant further objects to this request as vague and ambiguous given Plaintiff's definition of the term "your".

REQUEST FOR PRODUCTION NO. 23:

Produce all documents provided to any expert or fact witnesses as a result of the filing of this case, if such document forms the basis of the witness's testimony or opinions.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as overly broad, over burdensome, vague and harassing.

REQUEST FOR PRODUCTION NO. 24:

Produce all curriculum vitae resumes of any of the experts and/or persons with knowledge of relevant facts that you have listed in your Answers to Interrogatories.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as overly broad and over burdensome insofar as fact witnesses are concerned.

REQUEST FOR PRODUCTION NO. 25:

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 all previous objections which are incorporated herein, Defendant objects to this requests as calling for materials exempted from discovery by the privilege afforded

attorney work product which is embodied in Rule 166b (3) (a) of the Texas Rules of Civil Procedure. To the extent that Standing Order No. 1 requires production of trial exhibits, such exhibits will be produced in accord with the requirements of the order.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope. Defendant further objects to this request as it is vague, ambiguous, overly broad, over burdensome and harassing given Plaintiff's definition of the term "Defendant".

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope to contract workers or to the refinery in question.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor in scope.

REQUEST FOR PRODUCTION NO. 30:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiffs work at Defendant's Premises.

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request insofar as Plaintiff has not yet identified the specific periods of time Plaintiff's decedent is alleged to have worked at the Defendant's premises.

REQUEST FOR PRODUCTION NO. 31:

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:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded attorney work product, attorney/client communication and party communication all of which are embodied in Rule 166b (3) (a) (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this information as calling for material which is trade secret and/or proprietary to Defendant.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

In addition to all previous objections which are incorporated herein, Defendant objects to this request as it is overly broad, over burdensome, harassing and amounts to nothing more than an impermissible fishing expedition in violation of Texas law regarding discovery. Defendant further objects to this request as it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in time nor scope. Defendant further objects to this interrogatory as vague and ambiguous given that the term "similar documents" is not defined.

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