PLAINTIFF'S EXHIBIT CHV-546a

CAUSE NO. 2000-2274

LAMBERTO CORRAL HERRERA, ET AL	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NO. THREE
	§	
	§	
OWENS CORNING, ET AL	§	EL PASO COUNTY, TEXAS

CHEVRON U.S.A., INC.'s
RESPONSE TO PLAINTIFF LAMBERTO CORRAL HERRERA'S FIRST REQUEST FOR DISCLOSURE

COMES NOW CHEVRON U.S.A. INC., one of the Defendants in the above entitled and numbered cause, responds to Request for Disclosure as to Plaintiff, Lamberto Corral Herrera pursuant to Tex.R.Civ.P. 194.2.

(a) Chevron U.S.A., Inc.

(b) Defendant is unaware of any additional parties Defendant may seek to add to this litigation; however, the Defendant reserves the right to enforce the settlement credit and/or to submit the fault of the settling Defendants all of whom are listed in Plaintiffs' pleadings and discovery responses.

(c) Defendant's theories, based upon discovery as completed to date, are as follows:

Defendant denies that Plaintiffs were exposed to asbestos containing products on any premises owned or operated by this Defendant or to any product which emanated from any premises owned or operated by this Defendant. Defendant denies that Plaintiffs, were exposed to asbestos products on Defendant's premises at a level sufficient to have caused or contributed to any asbestos related disease. Defendant denies that any dangerous condition existed at its facilities at any time Plaintiffs, may have been present as a business invitee. Defendant denies that it was negligent or grossly negligent or that its actions were a proximate cause of any injury or illness to Plaintiffs. Defendant did not breach any duty owed to Plaintiffs, given the applicable state of the art, nor did Defendant proceed with conscious indifference to the safety of Plaintiffs, with subjective awareness of any extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiffs. Defendant denies that the Plaintiffs have been damaged as alleged and denies that Plaintiffs' illnesses were caused by asbestos exposure. Defendant

denies having supplied material or products which were defective. In the alternative, Defendant contends that any illness of Plaintiffs was the result of exposure to products or actions of companies over whom this Defendant had no control, including asbestos product manufacturers, cigarette manufacturers, and contractors. Defendant asserts the affirmative defense of contributory negligence which will be developed through discovery. The imposition of punitive damages would violate Defendant's due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by the due process provisions of the Texas Constitution, and would be improper under the common law and public policies of the State of Texas. Any award of exemplary or punitive damages, in the absence of appropriate standards, would be unreasonable, arbitrary, capricious and confiscatory, and have no relation to any fact and, therefore, afford Defendant no adequate means of defense. However, if punitive damages are awarded, Defendant asserts that those damages are capped.

Defendant denies participation in any civil conspiracy to withhold knowledge of effects of asbestos exposure from workers. Defendant denies that it acted in any way to aide, abet, encourage or induce any other Defendant to commit any negligent or fraudulent act.

Please refer also to Defendant's pleadings on file which are incorporated herein. Defendant reserves the right to amend, supplement or modify its theories as warranted by future discovery.

e. The following persons have knowledge of relevant facts:

Lamberto Corral Herrera
Plaintiff

Defendant reserves the right to supplement.

The following people are present or former employees of Chevron U.S.A., Inc. and may have knowledge about the physical layout of the facility, safety practices and rules, the work done by contractors, the responsibilities of Plaintiffs' employer and anticipated knowledge of unions, the policies of the facility as respect to contractor employees, knowledge of potential asbestos hazards, the lack of information received from asbestos product manufacturers, and the use or non-use of asbestos-containing products.

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Stanley Dryden
Industrial Hygenist
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(831) 624-9394

Any other persons or witnesses designated by any by any other party.

All other witnesses or persons with knowledge of relevant fact designated by any other party.

Defendant's investigation as well as discovery is continuing and Defendant reserves the right to supplement this response as additional information is located.

f. See Expert List attached as Exhibit "A" and incorporated by reference as if fully listed herein;

In addition, Defendant reserves the right to call any of the Plaintiffs' treating doctors;

In addition, Defendant reserves the right to call all expert witnesses listed by plaintiffs' including but not limited to:

Plaintiffs' Experts listed in Plaintiffs' Supplemental Answers to All Defendants' Interrogatories (Wellington Defendants), (The Center for Claims Resolution Defendants) and (Master Discovery Requests)/(Expert and Fact Witnesses) filed on March 29, 2000, In re: All Asbestos Related Personal Injury or Death Cases, Filed By Baron & Budd, P.C. or to be filed by Baron & Budd, P.C. In El Paso County, Texas. These listed experts are incorporated in these answers as if set forth herein.

In addition, Defendant also reserves the right to call Plaintiffs' Experts listed in Plaintiffs' list of Deposition Testimony and all supplements and amendments thereto. These listed experts are also incorporated in these answers as if set forth herein. In addition, Defendant reserves the right to call Plaintiffs' Experts;

Any person designated by any other party in this case as an expert witness, whether or not such party is still a party at the time of trial;

custodians of records of any and all physicians, health care facilities, hospitals, clinics and health care providers who have treated or examined the Plaintiff in this case who may have records concerning the plaintiff;.

any physician who has examined and/or treated Plaintiff not identified;

any and all records custodians, live or by deposition upon written questions, for any physicians or institutions listed herein or revealed in Plaintiffs' Responses to Discovery or any other pleading on file in this case.

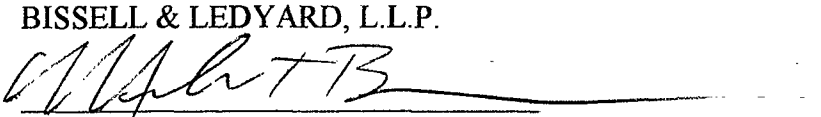
g. None

i. There are no witness statements at this time. Defendant's investigation, as well as discovery is continuing and Defendant reserves the right to supplement this response as additional information is located.

k. Defendant will provide copies of any medical records obtained through authorization that are not already available to the plaintiff.

Respectfully submitted,

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



David W. Ledyard
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Michael T. Bridwell
State Bar No. 02979600
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(409)981-1000
(409)981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of Chevron U.S.A. Inc.'s Response to Disclosure has been furnished to counsel for plaintiff by certified mail and to all other counsel of record by U.S. mail on this 6 day of ~~November~~ December, 2000.

Michael T. Bridwell

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CERTIFICATE OF WRITTEN DISCOVERY

This is to certify that on Dec 6, 2000, Defendant served the following:

Defendant, CHEVRON U.S.A. INC.'s Responses to Plaintiff, Lamberto Corral Herrera's First Request For Disclosure.

Respectfully submitted,

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

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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 foregoing instrument has on this the _____ day of_____ 2000, been forwarded to all counsel of record by U.S.

Mail.

_____

Michael T. Bridwell