

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 DALLAS COUNTY,
Texas

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§
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IN THE CIVIL DISTRICT COURTS OF

DALLAS COUNTY, TEXAS

**DEFENDANT THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' REQUESTS FOR PRODUCTION IN ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH CASES FILED BY BARON & BUDD, P.C. OR TO
BE FILED BY BARON & BUDD, P.C. IN DALLAS COUNTY, TEXAS**

TO: Plaintiffs, by and through their attorneys of record Russell W. Budd, Scott L. Frost,
Monty Wade, David T. Ritter, Chris Panatier, Baron & Budd, The Centrum, 3102 Oak
Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Defendant, The Dow
Chemical Company ("Defendant") files the following objections and responses to Plaintiffs'
Requests for Production.

Respectfully submitted,

ABBOTT, SIMSES & KUCHLER

By: Lawrence E. Abbott

Lawrence E. Abbott
State Bar No. 00795846
400 Lafayette Street, Suite 200
New Orleans, LA 70130
(504) 568-9393 (Tel)
(504) 524-1933 (Fax)

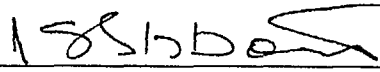
Attorneys For Defendant,
The Dow Chemical Company

PLAINTIFF'S EXHIBIT

DOW-2950

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on the 3rd day of September, 2002, in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure.



Lawrence E. Abbott

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all depositions given by each and every deponent reference by Defendant in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have been deposed. However, Defendant will make all depositions within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 2:

Please produce all trial transcripts of all testimony given by each and every deponent referenced by Defendant in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have given trial testimony. However, Defendant will make all trial transcripts within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 3:

Please produce all trial transcripts of all testimony given by each and every person listed by Defendant in response to Interrogatory No. 39 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have given trial testimony. However, Defendant will make all trial transcripts within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 4:

Please produce all witness statements given by each and every person listed by Defendant in response to Interrogatory No. 39 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to

this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this request may seek the production of statements that are protected by attorney work-product and/or attorney client communication privileges.

REQUEST FOR PRODUCTION NO. 5:

Please produce all witness depositions given by each and every person listed by Defendant in response to Interrogatory No. 39 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have been deposed. However, Defendant will make all depositions within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 6:

Please produce trial transcripts of all testimony given by each and every person listed by Defendant in response to Interrogatory No. 61 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of

items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have given trial testimony. However, Defendant will make all trial transcripts within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 7:

Please produce all depositions given by each and every person listed by Defendant in response to Interrogatory No. 61 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have been deposed. However, Defendant will make all depositions within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 8:

Please produce all witness statements given by each and every person listed by Defendant in response to Interrogatory No. 61 in Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this request may seek the production of statements that are protected by attorney work-product and/or attorney client communication privileges.

REQUEST FOR PRODUCTION NO. 9:

Please produce trial transcripts of all testimony given by each and every person listed in Exhibit A attached to Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have given trial testimony. However, Defendant will make all trial transcripts within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 10:

Please produce all depositions given by each and every person listed in Exhibit A attached to Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Request because the documents requested are as available to Plaintiff as to Defendant.

Subject to and without waiving these objections, Defendant states that not all individuals identified in Defendant's Objections and Responses to Plaintiff's Master Interrogatories and Requests for Production have been deposed. However, Defendant will make all depositions within the custody and control of the undersigned counsel available to Plaintiff, upon written request, for inspection and copying at a mutually agreeable time and will comply with T.R.C.P. and Court orders.

REQUEST FOR PRODUCTION NO. 11:

Please produce all witness statements given by each and every person listed in Exhibit A attached to Defendant's Objections and Response to Plaintiffs' Master Interrogatories and Requests for Production dated July 23, 2002.

RESPONSE:

Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this request may seek the production of statements that are protected by attorney work-product and/or attorney client communication privileges.

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 DALLAS
COUNTY, TEXAS

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IN THE CIVIL DISTRICT COURTS OF

DALLAS COUNTY, TEXAS

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

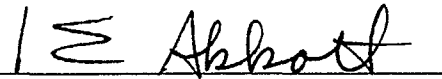
Defendant, The Dow Chemical Company certifies under the Texas Rules of Civil Procedure that the following document has been served on plaintiff on September 3, 2002:

- 1. Defendant The Dow Chemical Company's Objections and Responses to Plaintiffs' Requests for Production in All Asbestos-Related Personal Injury or Death Cases Filed by Baron & Budd, P.C. or to be Filed by Baron & Budd, P.C. in Dallas County, Texas.**

Respectfully submitted,

ABBOTT, SIMSES & KUCHLER

By: _____


Lawrence E. Abbott (TX 00795846)
ABBOTT, SIMSES & KUCHLER
400 Lafayette Street, Suite 200
New Orleans, Louisiana 70130
Phone: (504) 568-9393
Facsimile: (504) 524-1933

**ATTORNEYS FOR DEFENDANT,
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing document was furnished to all known counsel of record on this the 3rd day of September 2002, pursuant to the Texas Rules of Civil Procedure.



LAWRENCE E. ABBOTT

ABBOTT, SIMSES & KUCHLER*A Professional Law Corporation*

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1360 POST OAK BOULEVARD
SUITE 1700
HOUSTON, TEXAS 77056
TELEPHONE: (713) 627-9393
FAX: (713) 627-9395

REPLY TO:
NEW ORLEANS OFFICE

TOMMY RIGSBY
PARALEGAL

EMAIL:
TRigsby@abbott-simses.com

September 3, 2002

Via Certified Mail 700208600000079122758

Jim Hamlin, District Clerk
George L. Allen, Sr. Courts Building
600 Commerce St., 4th Floor
Dallas, Texas 75202-4606

Re: 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 Dallas County, Texas

Dear Mr. Hamlin:

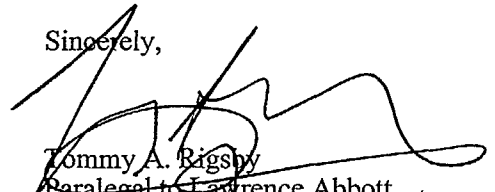
Enclosed for filing please find an original and one (1) copy of Certificate of Written Discovery for Defendant The Dow Chemical Company's Objections and Responses to Plaintiffs' Requests for Production in All Asbestos-Related Personal Injury or Death Cases Filed by Baron & Budd, P.C. or to be Filed by Baron & Budd, P.C. in Dallas County, Texas.

Please return a conformed copy to the undersigned in the enclosed, self-addressed, stamped envelope.

Your cooperation and assistance in this matter is appreciated.

With best regards, I remain

Sincerely,


Tommy A. Rigby
Paralegal to Lawrence Abbott

/tar
Enclosure

cc: David Ritter, Esquire
Baron & Budd
3102 Oak Lawn Ave., Ste. 1100
Dallas, Texas 75219-4281

All Known Counsel of Record

Via Certified Mail
700208600000079122765

Via Regular Mail