



CAUSE NO. 90G2055

WELDON R. MOAKE AND JANICE I.	§	IN THE DISTRICT COURT OF
MOAKE; KEVIN R. MOAKE; DANA R.	§	
ASHLEY AND MACK K. MOAKE	§	
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
OWENS CORNING FIBERGLAS	§	
CORPORATION	§	239 TH JUDICIAL DISTRICT

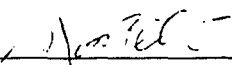
**DEFENDANT PHARMACIA CORPORATION'S, f/k/a MONSANTO COMPANY,
OBJECTIONS AND RESPONSES TO PLAINTIFF WELDON
RUSSELL MOAKE'S FIRST SET OF INTERROGATORIES,
FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff Weldon R. Moake, by and through his attorneys of record, William K. Tapscott, Jr., Elizabeth Schick and J. Catherine Gillis, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219

Pursuant to Texas Rules of Civil Procedure, Defendant Pharmacia Corporation, formerly known as Monsanto Company, serves its Objections and Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Request for Production and First Request for Admissions to Defendant Monsanto Company, attached hereto as Exhibit "1."

Respectfully submitted,

WOODARD, HALL & PRIMM

By: 

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ATTORNEYS FOR DEFENDANT

PHARMACIA CORPORATION, f/k/a

MONSANTO COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2000, a copy of the foregoing was sent by United States certified mail/return receipt requested and/or regular United States mail to all counsel of record.

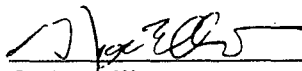

G. Joe Ellis

Exhibit "1"

I.

OBJECTIONS TO PLAINTIFFS' INSTRUCTIONS AND DEFINITIONS

Defendant objects to Plaintiffs' instructions and definitions as follows:

1. Defendant objects to Instruction No. 1 seeking to require a particular manner of production of responsive documents on the grounds that it incorrectly states what is required by the Texas Rules of Civil Procedure and improperly seeks to impose an obligation beyond, or more restrictive than that allowed under those rules. Defendant will comply with the Texas Rules of Civil Procedure in responding.

2. Defendant objects to Definition No. 1, attempting to define "Defendant", "you", "your" and "your company" to include legally separate and distinct corporate entities who are not parties to this case on the grounds that such is overly broad, unduly burdensome, harassing, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the scope of discovery under the Texas Rules of Civil Procedure.

3. Defendant objects to Definition No. 2, attempting to define "document", etc. to include matters outside the scope of discovery under the Texas Rules of Civil Procedure, specifically attempting to require production of materials that are not within this Defendant's possession, custody or control, on the grounds that such is beyond the scope of discovery and the Texas Rules of Civil Procedure, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to Definition No. 16 attempting to define the term "identity" with regard to a document to the extent such definition seeks to limit Defendant's right to identify a

document by simply producing it, on the grounds that such seeks to impose obligations beyond the scope of discovery, amounts to multiple interrogatories and subparts, is unduly burdensome and harassing.

Subject to the foregoing objections, Defendant further responds and/or objects to Plaintiffs' specific discovery requests as follows; and, in responding, Defendant will apply Plaintiffs' definitions, subject to the foregoing objections, where appropriate.

II.

OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSION

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.

Response:

Responses to these interrogatories are based upon Defendant's corporate knowledge. As such, information responsive to some or all of these interrogatories has been accumulated over a period of time and specific sources of particular information cannot be determined. These responses were prepared based upon available information by both outside legal counsel and in-house legal staff.

Request for Admission No. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

Response:

Admit.

Request for Production No. 1:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Not applicable.

Request for Admission No. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1989.

Response:

Denied.

Interrogatory No. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's Premises.

Response:

Not applicable.

Request for Production No. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

Response:

Not applicable.

Request for Admission No. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at sometime after installation.

Response:

Denied.

Interrogatory No. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

Response:

Not applicable.

Request for Production No. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

Response:

Not applicable.

Request for Admission No. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

Response:

Denied.

Request for Production No. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Attached Exhibit A is an excerpt from Plaintiff's deposition where he testifies that he was only a "visitor" on one occasion at a facility owned by Monsanto.

Request for Production No. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

Response:

Not applicable.

Request for Production No. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1989, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff visited a Monsanto facility or any reasonable time period, is not limited to any reasonable scope of locations, and based upon

the fact that Plaintiff by his own admission never worked at a Monsanto facility.

Request for Production No. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1952 and 1989, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff visited a Monsanto facility, or any reasonable time period, is not limited to any reasonable scope of locations, and based upon the fact that Plaintiff by his own admission never worked at a Monsanto facility.

Interrogatory No. 4:

Identify the contractors who worked on your premises between the years 1952 and 1989 and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed
- c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

Response:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive and harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects, on the same grounds, to the extent the request is not limited to the facility(s) at issue in this particular case or any reasonable period of time. Subject to and without waiving its objections, Defendant responds as follows:

There were several hundred contractors working at the facilities at issue in this case performing a variety of tasks. The identity of many of these contractors is unknown due to the unavailability of records. However, Defendant believes that it has some records which contain some of the information sought in the form of contracts with various construction contractors. These date from approximately 1969 forward. These documents are in Monsanto's records storage facility at its Chocolate Bayou plant and are available for

inspection and copying. In addition, certain contractors contracted directly with Monsanto's central engineering department for work to be performed at its facilities, and attached as Exhibit B is a list of many of the contractors who worked at Monsanto's Texas facilities in Texas City and the Chocolate Bayou facility in Alvin, Texas. Also, some of the information sought may be determined from a review of the records which have already been produced.

Monsanto's Chocolate Bayou facility in Alvin, Texas was constructed in 1961-1962. The general contractor for Monsanto's Chocolate Bayou plant was Bechtel Corporation. Monsanto purchased the Texas City plant from the U.S. Government in 1946; in 1947, ship explosions in the harbor completely destroyed the Texas City plant and reconstruction started immediately. Based upon interviews with present and former employees, and to the best of Monsanto's knowledge, information and belief, Monsanto hired the following as general contractors to rebuild the Texas City plant: Lummus, Stone & Webster, United Engineers, Hydrogen Research, Kellogg, Tellepse, Hudson Engineering, Wyatt C. Hedrick, Pritchard Construction, Scientific Design, Fluor, and Badger. There may have been others of which Monsanto is not presently aware. Monsanto sold its Texas City plant in 1986 to Sterling Chemicals.

Specific information responsive to subpart (c) of this interrogatory is not within the personal knowledge of current Pharmacia employees, but some of this information may be obtained from a review of the documents which have already been produced.

Request for Production No. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1989, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

Response:

Not applicable.

Interrogatory No. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1952 and 1989.

Response:

Not applicable.

Request for Admission No. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

Response:

Denied.

Request for Production No. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Interrogatory No. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Corpus Christ, Texas? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

Not applicable.

Request for Admission No. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

Response:

Denied.

Request for Production No. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Attached Exhibit A is an excerpt from Plaintiff's deposition where he testifies that he was only a "visitor" on one occasion at a facility owned by Monsanto.

Request for Admission No. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

Response:

Denied.

Request for Admission No. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

Response:

Defendant objects on the grounds that this request is vague and impossible to answer with any degree of certainty. It is impossible to state when a large corporate entity became "aware" of a particular fact or assertion. Scientific/medical knowledge regarding asbestos evolved over time. Subject to and without waiving the foregoing, Defendant admits that there were persons within Monsanto who were aware by 1952 that high concentrations of asbestos fibers over a prolonged period of time had the potential to present a health hazard.

Request for Production No. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Not applicable.

Request for Admission No. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

Response:

Denied.

Request for Production No. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff visited a Monsanto facility, or any reasonable time period, is not limited to any reasonable scope of locations, and based upon the fact that Plaintiff by his own admission never worked at a Monsanto facility.

Interrogatory No. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

Response:

Defendant has no record of any communications with Plaintiff.

Request for Production No. 13:

Produce all such warnings.

Response:

Not applicable.

Request for Admission No. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

Response:

Denied.

Request for Production No. 14:

If you deny the foregoing, produce all such warnings.

Response:

None.

Interrogatory No. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not reasonable calculated to lead to the discovery of admissible evidence since Plaintiff never worked on a premises owned by Defendant, and is not limited to any reasonable time frame or location.

Subject to and without waiving its objections, Defendant states that it provided a safe workplace and appropriate safety information to workers on its premises at all relevant times. The existence, nature and extent of the safety information known by and available to, and the precautions taken for and by, Defendant's employees and its contractors would have depended on the year when the work was performed, the type of work done, the location of the work performed, the particular contractor involved, the particular employee involved, the anticipated level of airborne particles, the terms of the contract between Defendant and the

contractor, and other factors. Generally, Defendant's policies and safety measures evolved over the years along with the increase in knowledge of the risks associated with exposures to dust and asbestos and Defendant always attempted to stay abreast of pertinent information and comply with or exceed the minimum requirements for safety for all workers on its premises. Defendant held regular impromptu safety meetings where appropriate safe work practices and the potential hazards of many products and processes were discussed.

Request for Production No. 15:

Produce all such safety policies.

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims since Plaintiff never worked on a premises owned by Defendant, is not reasonably calculated to lead to the discovery of admissible evidence, and because it is not limited to a reasonable time frame or scope of locations.

Subject to and without waiving its objections, responsive documents have previously been produced to Plaintiff's counsel.

Request for Admission No. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

Response:

Denied.

Interrogatory No. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

Defendant has no way of knowing what warnings Plaintiff may have received.

Interrogatory No. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to any reasonable scope of locations, any relevant time period, or the specific area that Plaintiff visited.

Subject to and without waiving its objections, Defendant states that it provided a safe workplace and appropriate safety information to workers on its premises at all relevant times. Generally, Defendant's policies and safety measures evolved over the years along with the increase in knowledge of the risks associated with exposures to dust and asbestos. Defendant always attempted to stay abreast of pertinent information and comply with or exceed the minimum requirements for safety for all persons on its premises.

Interrogatory No. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

Response:

Not applicable.

Request for Admission No. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952-1989 for the purpose of protecting these employees from inhaling asbestos.

Response:

Defendant objects to this request on the grounds that it is vague and ambiguous. Subject to the foregoing objections, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

Interrogatory No. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit value 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.

Response:

Defendant objects to this interrogatory on the grounds and to the extent it is overly broad, overreaching, onerous, oppressive harassing, seeks information that is not relevant to the claims or parties in this case, is not reasonably calculated to lead to the discovery of admissible evidence, and is an impermissible fishing expedition in violation of Texas law, including one or more of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex. 1995), *Able Supply Co. v. Moye*, 898 S.W.2d 766 (Tex. 1996), *Dillard's Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility or any relevant time period. To the extent the information can be ascertained from Defendant's documents previously produced to Plaintiff's counsel, however, Defendant refers Plaintiff to those documents pursuant to TRCP 197.2(c).

Further subject to and without waiving the foregoing objections, Defendant responds as follows. Dust monitoring and air sampling were conducted and laboratory analyses of air samples were performed. Industrial hygienists at Monsanto's Texas facilities and Monsanto corporate industrial hygienists would have collected the dust samples prior to the early 1970's. Samples would have been sent to outside laboratories for analysis using particle counting methods. Starting in the early 1970's, when asbestos fibers would be counted using phase-contrast light microscopy, samples were sent to Defendant's physical science center or its John F. Queeny plant for analysis. The results of the monitoring and sampling

performed by or for Defendant always revealed safe and acceptable levels of airborne particles at Defendant's Texas facilities.

Interrogatory No. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1952 to determine the quantity of asbestos fibers in the air at the Monsanto Company (f/k/a Monsanto Chemical Company) facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

Defendant objects to this interrogatory on the grounds and to the extent it is overly broad, overreaching, onerous, oppressive harassing, seeks information that is not relevant to the claims or parties in this case, is not reasonably calculated to lead to the discovery of admissible evidence, and is an impermissible fishing expedition in violation of Texas law, including one or more of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex. 1995), *Able Supply Co. v. Moye*, 898 S.W.2d 766 (Tex. 1996), *Dillard's Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not limited to the plant at which Plaintiff allegedly visited or any other reasonable scope of locations, nor is it limited to time to the period when Plaintiff allegedly visited Defendant's plant or any reasonable time frame. Subject to its objections, a search for relevant information is continuing and, to the extent Defendant has or discovers information or documents reflecting information responsive to this interrogatory, it will provide same in a supplemental answer to this interrogatory. To the extent the information can be ascertained from Defendant's documents in this case, however, Defendant refers Plaintiff to those documents pursuant to TRCP 197.2(c).

Further subject to and without waiving the foregoing objections, Defendant responds as follows. Dust monitoring and air sampling were conducted at Defendant's Texas plants and laboratory analyses of air samples were performed. Defendant purchased a Bausch & Lomb dust counter in 1947 for the purposes of air sampling to determine working conditions at its facilities. In later years, a phase contrast microscope and an electron microscope were purchased and similar analyses were done. Air sampling, monitoring, and industrial hygiene programs increased in the later years along with the increased indications in the published literature regarding the potential health risks from long-term exposure to given levels of airborne particles, including asbestos, and the publication of governmental guidelines regarding airborne particles, including asbestos. The results of the monitoring and sampling performed always revealed safe and acceptable levels of airborne particles at Defendant's facilities.

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.

Response:

Not applicable.

Request for Admission No. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 16:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 17:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 18:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 19:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or, the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the

Request for Production No. 21:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Interrogatory No. 15:

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.

Response:

Not applicable.

Interrogatory No. 16:

Have you ever had a policy requiring workers on Defendant's Premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

Response:

Not applicable.

Not applicable.

Request for Admission No. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Admission No. 20:

Admit that you did not issue any warnings to others at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff

visited or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff visited Defendant's facility or any other reasonable time frame, or the specific facility visited or area within the facility Plaintiff visited or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have previously been produced to Plaintiff's counsel.

Request for Production No. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1989, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, onerous, seeks documents which are not relevant or material to the claims made by Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and is not reasonably limited to any relevant time frame or scope of locations. Defendant further objects on the grounds that Plaintiff was not on the premise owned by Defendant as an employee of a contractor, but only as a visitor.

Request for Admission No. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

Response:

Denied.

Request for Admission No. 22:

Admit that between the years 1952 and 1989 Defendant had the power to control Defendant's Premises.

Response:

Denied.

Request for Production No. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 23:

Admit that, between the years 1952 and 1989, Defendant had the power to manage the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 26:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 24:

Admit that, between the years 1952 and 1989, Defendant had the power to direct the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 27:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 25:

Admit that, between the years 1952 and 1989, Defendant had the power to superintend the use or conditions of Defendant's Premises.

Response:

Denied.

Request for Production No. 28:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 26:

Admit that, between the years 1952 and 1989, Defendant had the power to restrict the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 29:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 27:

Admit that, between the years 1952 and 1989, Defendant had the power to regulate the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 30:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 28:

Admit that, between the years 1952 and 1989, Defendant had the power to govern the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 29:

Admit that, between the years 1952 and 1989, Defendant had the power to oversee the use

or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 32:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 30:

Admit that, between the years 1952 and 1989, Defendant had the power to administer the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 31:

Admit that, between the years 1952 and 1989, Defendant controlled Defendant's Premises.

Response:

Denied.

Request for Production No. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 32:

Admit that, between the years 1952 and 1989, Defendant managed the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 33:

Admit that, between the years 1952 and 1989, Defendant directed the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 34:

Admit that, between the years 1952 and 1989, Defendant superintended the use or conditions of Defendant's Premises.

Response:

Denied.

Request for Production No. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 35:

Admit that, between the years 1952 and 1989, Defendant restricted the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 36:

Admit that, between the years 1952 and 1989, Defendant regulated the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 37:

Admit that, between the years 1952 and 1989, Defendant governed the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 38:

Admit that, between the years 1952 and 1989, Defendant oversaw the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 39:

Admit that, between the years 1952 and 1989, Defendant administered the use or condition of Defendant's Premises.

Response:

Denied.

Request for Production No. 42:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

Response:

Denied.

Request for Production No. 43:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Plaintiff did not perform any work on a premises owned by Defendant, but was merely a visitor. See Exhibit A.

Interrogatory No. 17:

Do you contend that at no time during the time frame between 1952 and 1989, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Monsanto Company (f/k/a Monsanto Chemical Company) facility, who were engaged in activities which could be potentially hazardous to either themselves or Monsanto Company (f/k/a Monsanto Chemical Company) employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

Defendant objects to this interrogatory on the grounds that it is vague, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence, and because the Plaintiff in this case allegedly visited Defendant's facility and was not on the premises as an employee of a contractor. Additionally, this interrogatory is not limited to the facility or time frame when Plaintiff visited a premises owned by Defendant.

Subject to and without waiving the foregoing, the contractors hired by Defendant held themselves out to be experienced and competent contractors with employees who were qualified to perform all aspects of the work involved, familiar with the work involved, the risks attendant thereto, the safety practices, procedures and equipment necessary for the work involved, and the regulations and standards governing the performance of their work. Defendant's contractors were also required by contract to comply with all applicable laws and regulations relating to airborne particles. As such, Defendant relied on those contractors to provide Defendant and their own employees with the requisite and appropriate guidance, safety measures, safety equipment, and control of the activities of their employees when performing work on Defendant's premises. Defendant's contractors were also required to be aware and comply with plant-wide safety rules for all workers working on Defendant's premises. Defendant did not have the right to control the means, methods or details of a contractor's work.

Request for Admission No. 41:

Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

Response:

Denied.

Request for Production No. 44:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Plaintiff did not perform any work on a premises owned by Defendant, but was merely a visitor. See Exhibit A.

Request for Admission No. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

Response:

Denied.

Request for Production No. 45:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Plaintiff did not perform any work on a premises owned by Defendant, but was merely a visitor. See Exhibit A.

Request for Admission No. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in his own way.

Response:

Denied.

Request for Production No. 46:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

Plaintiff did not perform any work on a premises owned by Defendant, but was merely a visitor. See Exhibit A.

Request for Admission No. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 47:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 48:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 49:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 51:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

Response:

Denied.

Request for Production No. 52:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 50:

Admit that such installation was done under your direction, supervision, and/or control.

Response:

Denied.

Request for Production No. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Interrogatory No. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

Response:

Defendant objects on the grounds that this interrogatory is vague. Subject to and without waiving its objections, Defendant responds as follows:

Defendant states that it has always diligently attempted to keep abreast of the published medical literature pertaining to asbestos-related diseases. However, it is difficult, if not impossible, and Defendant is presently unable to state, when it first became aware of any suspected link between asbestos exposure and any physical ailments. Moreover, Defendant cannot agree with the premise that there is a causal connection between asbestos exposure and physical ailments without first knowing the details regarding the specific ailment involved, the nature, duration and intensity of any alleged exposure, as well as the medical and work history of any specific individual in whom a causal connection between asbestos exposure and such ailments is alleged. See also Response to Request for Admission No. 8. More detailed information concerning when and by what means Defendant may have become aware of asbestos-related diseases is not within the personal knowledge of current Pharmacia employees, but, pursuant to Tex. R. Civ. Pro. 168(2), some of this information may be obtained from a review of the documents that have been produced.

Request for Production No. 54:

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

Response:

Defendant objects to any requirement, as a result of this request, to review all of its files and employee's files and the library of publications it has and its employees may have for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, locate and produce responsive documents would be unduly burdensome, onerous, oppressive and harassing and the burden would far outweigh any reasonable probative value that any responsive documents may provide to the Plaintiffs in this case. Subject to and without waiving any of its objections, any responsive documents which Defendant has assembled as a result of prior document searches has already been produced to Plaintiffs' counsel.

Request for Admission No. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

Response:

Denied.

Request for Admission No. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

Response:

Denied.

Request for Admission No. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

Response:

Denied.

Request for Production No. 55:

Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiff's Request for Disclosure under Texas Rules of Civil Procedure 194.2. subparagraph (c).

Response:

Defendant objects to this request on the grounds and to the extent that it invades the attorney work-product exemption and attorney-client privilege. Defendant further objects to this request on the grounds that it is overly broad, global and lacks the specificity required for a proper document request.

Interrogatory No. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

Response:

Not applicable.

Request for Admission No. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

Response:

Denied.

Request for Production No. 56:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

Response:

Denied.

Request for Admission No. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

Response:

Denied.

Request for Production No. 57:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

None.

Request for Admission No. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

Response:

Denied.

Request for Production No. 58:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

Response:

See Exhibit A where Plaintiff testified that he was a visitor on Defendant's premises for only three hours, at most.

Request for Production No. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

Response:

See Exhibit A where Plaintiff admits to being a visitor on a premises owned by Defendant for only three hours, at most.

Request for Production No. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposure other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

Response:

See Exhibit A where Plaintiff admits to being a visitor on a premises owned by Defendant for only three hours, at most.

Request for Production No. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

Response:

To the best of Defendant's knowledge, it has no responsive documents.

Request for Production No. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

Response:

To the best of Defendant's knowledge, it has no responsive documents.

Request for Production No. 63:

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

Response:

Defendant is unable to specifically identify such requested documents. However, documents containing some of the information supplied have been previously supplied to Plaintiff's counsel.

Request for Production No. 64:

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

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

Response:

Defendant objects to this request on the grounds that it is not limited to any reasonable or relevant time frame, is overly broad, and to the extent it calls for the production of material protected from discovery under the attorney client privilege or work-product exemption. Subject to the foregoing objections, Defendant has previously produced its document retention policies to Plaintiffs' counsel.

Request for Production No. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

Response:

Defendant objects to this request on the grounds that it is vague and ambiguous (Defendant cannot determine what documents are being sought), is overbroad, not limited to any reasonable time period or subject matter, and to the extent it calls for production of material protected from disclosure by the attorney-client privilege and/or work-product exemption.

Interrogatory No. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

Response:

Defendant objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, harassing, overly broad, and not reasonably limited to any relevant time frame or location.

Subject to the foregoing objections, the information sought, if presently known to Defendant, can be ascertained from Defendant's records which have been produced to Plaintiff's counsel. There is no greater burden on the Plaintiff to obtain the information requested from those documents than it is for Defendant to do so. Additionally, due to the passage of time and the passing of former employees who may have knowledge relevant to this interrogatory, it is virtually impossible to know the individuals who received, maintained, reviewed or

disseminated the information contained in such written materials.

Request for Production No. 66:

Produce the written materials referred to in the interrogatory above.

Response:

Defendant objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, harassing, overly broad, and not reasonably limited to any relevant time frame or location. Subject to the foregoing objections, documents responsive to this request have previously been produced to Plaintiffs' counsel. The information sought, if presently known to Defendant, can be ascertained from Defendant's records which have been produced to Plaintiff's counsel.

Request for Admission No. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

Response:

Denied.

Request for Admission No. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

Response:

Denied.

Request for Admission No. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

Response:

Denied.

Request for Admission No. 61:

Admit that Defendant no longer uses asbestos on its Premises.

Response:

Admit.

Request for Production No. 67:

Produce all documents that reflect, indicate or in any way related to the communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly visited.

Request for Production No. 68:

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period.

Request for Production No. 69:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly visited.

Request for Production No. 70:

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:

Not applicable.

Request for Production No. 71:

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

Response:

Not applicable.

Request for Production No. 72:

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

Response:

Not applicable.

Request for Production No. 73:

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:

Not applicable

Request for Production No. 74:

Produce all documents related to the medical condition of Weldon Russell Moake 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 Plaintiff's health.

Response:

Not applicable.

Request for Production No. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

Response:

Not applicable.

Request for Production No. 76:

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:

Not applicable.

Request for Production No. 77:

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

Response:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence and because it is not limited to any reasonable time frame or to documents that may have been posted at, issued by or at, circulated by or at, or maintained by or at Defendant's Texas facilities or Defendant's corporate headquarters to workers at Defendant's Texas facilities. Defendant further objects to any requirement, as a result of the ambiguity attendant to the term "warnings" in this request, to review the entire company files and employee's files and library of publications it has for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, gather and produce the requested documents is far greater than any reasonable probative value those documents would possess for Plaintiff in this case. Subject and limited to the foregoing, and without waiving the objections, Defendant has already produced to Plaintiff's counsel documents that may be considered responsive to this request.

Request for Production No. 78:

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

Response:

Not applicable.

Request for Production No. 79:

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:

Not applicable.

Request for Production No. 80:

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:

Not applicable.

Request for Production No. 81:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly visited.

Request for Production No. 82:

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:

Not applicable.

Request for Production No. 83:

Produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts."

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in

violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or the relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly visited.

Request for Production No. 84:

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence because it is not reasonably limited in scope to Defendant's Texas facilities or the relevant time period when Plaintiff allegedly visited at Defendant's facility, is not limited to areas or units within Defendant's plant where Plaintiff allegedly visited or to the specific materials to which Plaintiff alleges he was exposed. Subject to and without waiving the foregoing, Defendant has produced to Plaintiffs' counsel responsive documents it has in its possession, custody or control.

Request for Production No. 85:

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 therefrom.

Response:

Defendant objects to this request on the grounds that the exclusive method of discovery concerning testifying expert witnesses is through a Rule 194 request for disclosure. See Rule 195.1.

Request for Production No. 86:

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:

Defendant objects to this request on the grounds and to the extent that it invades the attorney work product exemption and the attorney-client privilege. Further, this request is premature at this time; Defendant has not yet determined which, if any, documents it will use at the time of trial.

Request for Production No. 87:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claims made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent such documents are protected by the attorney-client or work product privileges and exemptions. Without waiving its objection, however, Defendant is not aware at this time of any documents in its possession, custody or control that are responsive to this request.

Request for Production No. 88:

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:

Not applicable.

Request for Production No. 89:

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:

Not applicable.

Request for Production No. 90:

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:

Not applicable.

Request for Production No. 91:

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 Plaintiff's work at Defendant's Premises.

Response:

Not applicable.

Request for Production No. 92:

Produce all documents which evidence Defendant's, net worth, including but not limited to all "10-K" forms filed for the last five (5) years.

Response:

Defendant objects to this request on the grounds that it is overly broad, overreaching and because Defendant is a publicly traded company and the documents requested are public records and available to the general public. Defendant further objects to this request on the grounds that documents other than Defendant's 10-K forms would be duplicative and, therefore, redundant, cumulative, overly broad, unduly burdensome, overreaching, onerous, oppressive and harassing.

Request for Production No. 93:

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

Response:

Not applicable.

Request for Production No. 94:

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:

Not applicable.

Request for Production No. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

Response:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence, to the extent it concerns contracts with the contractors who did not work in Defendant's Texas facilities performing the kind of work that Plaintiff alleges could expose a worker to asbestos or in areas or units of the plant where Plaintiff did not visit; it is also not limited to contracts for work done when Plaintiff was on Defendant's Texas premises; it is also not limited to any reasonable time frame or location.

Request for Production No. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos?

Response:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to documents that may have been issued by or at, circulated by or at, or maintained by or at Defendant's Texas facilities or Defendant's corporate headquarters to workers at Defendant's Texas facilities. Defendant further objects to any requirement, as a result of this request, to review the entire company files and employee's files and library of publications it has for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, gather and produce the requested documents is far greater than the reasonable probative value those documents would possess for Plaintiffs in this case.

Request for Production No. 97:

Produce all documents and other tangible things relating to the Plaintiff.

Response:

Defendant objects to this request on the grounds that it is vague and lacks the required specificity for a proper discovery request.

Request for Production No. 98:

If you contend that you did not own or control the facility during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

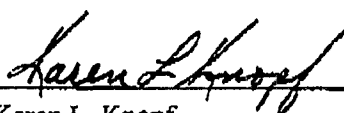
Response:

Not applicable.

CORPORATE VERIFICATION

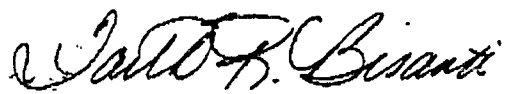
STATE OF MISSOURI }
COUNTY OF ST. LOUIS } ss.

Karen L. Knopf, being duly sworn, deposes and states that she is Assistant Secretary of Solutia Inc., that she verifies the foregoing answers to interrogatories contained within "DEFENDANT PHARMACIA CORPORATION'S, f/k/a MONSANTO COMPANY, OBJECTIONS AND RESPONSES TO PLAINTIFF WELDON RUSSELL MOAKE'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS" for and on behalf of Pharmacia Corporation, formerly known as Monsanto Company, and is duly authorized to do so; that some or all of the facts and matters set forth therein are not within the personal knowledge of the deponent; that the facts and matters set forth therein have been assembled by authorized agents of Pharmacia Corporation, formerly known as Monsanto Company; and that deponent is informed that the facts and matters set forth therein are true.

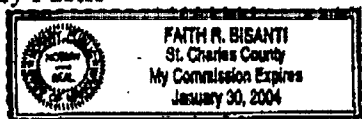


Karen L. Knopf
Assistant Secretary, Solutia Inc.

Subscribed and sworn to before me on
this the 24 day of July, 2000



Notary Public



NO. 90G2055

1
2 WELDON MOAKE, et al.) IN THE DISTRICT COURT
Plaintiffs,)
3)
v.) BRAZORIA COUNTY, TEXAS
4)
OWENS-CORNING FIBERGLASS,)
5 et al.,)
Defendants.) 239TH JUDICIAL DISTRICT

6

7 *****

8 THE ORAL DEPOSITION OF

9 WELDON MOAKE

10 VOLUME 2

11 APRIL 18, 2000

12 *****

13 THE ORAL DEPOSITION OF WELDON MOAKE,

14 produced as a witness at the instance of the
15 Defendants Synkoloid, Riley Stoker, Amatek,
16 Armstrong World Industries, National Gypsum, U.S.
17 Gypsum, Quigley and CertainTeed and duly sworn,
18 was taken in the above-styled and numbered cause on
19 the 18th day of April, 2000, from 10:04 a.m. to
20 3:07 p.m., before JAMIE PRINCE, CSR in and for the
21 State of Texas, at the home of Mr. Moake, 1040
22 Laurel Oak Drive, Flower Mound, Denton County,
23 Texas, pursuant to the Texas Rules of Civil
24 Procedure and the provisions stated on the record
25 or attached hereto.

1 Q. What area did you specifically work in
2 while at Amaco?

3 A. It was in and around the boiler. We
4 insulated a new steam system they put in.

5 Q. Did you ever work at or visit the
6 Monsanto Chemical plant?

7 A. I visited it one time only.

8 Q. Is that in Chocolate Bayou?

9 A. Yes.

10 Q. How long was your visit to Monsanto?

11 A. Probably about three hours. All one
12 morning, I'll put it that way. We left at lunch.

13 Q. And what was the purpose of your visit to
14 Monsanto?

15 A. Inspection for a job being carried on by
16 our parent company.

17 Q. And what were you physically inspecting
18 at Monsanto?

19 A. They were doing some refractory work in
20 one of the boilers.

21 Q. When did you have this inspection, if you
22 know the year?

23 A. I don't even know the year on that. I
24 can't remember. It seems like it was early '70s,
25 but I'm not sure of that.

1 asbestos?

2 A. That's what they were installing,
3 refractory. I don't remember whether they were
4 doing fireproofing or not, so I'm going to have to
5 take that back on that fireproofing. I don't
6 recall them doing the fireproofing. It was
7 refractory work inside the boiler, and I don't
8 recall the name of the materials.

9 Q. How many boilers do you recall being
10 present at Monsanto when you were out there?

11 A. I don't recall the number. Seems like
12 there was several in that series, but I don't
13 remember.

14 Q. Do you recall the manufacturer of any of
15 the boilers there at Monsanto?

16 A. No, I don't.

17 Q. Were there any furnaces there at Monsanto
18 that you can recall?

19 A. Not that I recall. I'm sure there were;
20 I don't recall them, however.

21 Q. And where were you in the facility at
22 Chocolate bayou? Were you at a particular
23 building?

24 A. I don't remember the number. I went in
25 with this other gentleman, and he knew where he was

1 going and I went with him. It was strictly just a
2 tag-along visit.

3 Q. Have you been down to the Monsanto
4 facility in Texas City?

5 A. No.

6 Q. Have you ever worked at or visited the
7 Gulf Oil Refinery in Port Arthur?

8 A. Yes.

9 MR. TAPSCOTT: Hang on just a
10 second. Did you already go over that one? Yeah,
11 you covered that. It was on the list in Port
12 Arthur.

13 THE WITNESS: I'm getting punchy, so
14 I couldn't remember for sure whether we'd gone over
15 it or not. He's getting punchy too.

16 Q. (By Mr. Ramirez) Mr. Moake, have we
17 discussed all the sites that you can recall today
18 where you may have been exposed to products that
19 may have contained asbestos?

20 A. As best I can recall today, yes.

21 Q. Before we proceed, I'd like to take a
22 break.

23 (Recess.)

24 MR. RAMIREZ: We've been informed by
25 plaintiff's counsel that we will reconvene

1 NO. 90G2055
2 WELDON MOAKE, et al.) IN THE DISTRICT COURT
Plaintiffs,)
3)
v.) BRAZORIA COUNTY, TEXAS
4)
OWENS-CORNING FIBERGLASS,)
5 et al.,)
Defendants.) 239TH JUDICIAL DISTRICT

6
7 REPORTER'S CERTIFICATION
8 DEPOSITION OF WELDON MOAKE
9 VOLUME 2

10 APRIL 18, 2000

11 I, JAMIE PRINCE, a Certified Shorthand
12 Reporter in and for the State of Texas, hereby
13 certify to the following:

14 That the witness, WELDON MOAKE, was duly
15 sworn by the officer and that the transcript of the
16 oral deposition is a true record of the testimony
17 given by the witness;

18 That the deposition transcript was
19 submitted on the 15th day of May,
20 2000 to the witness or to the attorney for the
21 witness for examination, signature and return to me
22 by May 21, 2000;

23 That the amount of time used by each
24 party at the deposition is as follows:

25 MR. RANDY RAMIREZ - 2:56

That pursuant to information given to the
deposition officer at the time said testimony was

EXHIBIT

B

TEXAS CITY

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
7827	C. P.	3/12/79	Sauer Indus.	Mechanical
7818	Serv. Agr.	2/20/79	Manpower, Inc.	Office Field Personnel
7884	C. P.	10/1/79	Crescent Elec.	Electrical
7913	C. P.	1/25/80	Crescent Instr.	Instrumentatic
7920	C. P.	2/29/80	S. I. P., Inc.	Mechanical
7936	L. S.	4/22/80	Nunez Constr.	Civil & U.G. Fire Mains
7988	L. S.	1/14/81	Nunez Constr.	Control Bldg. & Warehouse
8003	L. S.	3/10/81	Nunez Constr.	Demolition
8008	L. S.	4/6/81	DeJean Constr.	Mechanical
8024	L. S.	6/25/81	Crescent Elec.	Elec. & Instr
8032	L. S.	9/3/81	Sargent El-c.	Elec. & Instr.
8037	L.S.	9/22/81	DeJean Constr.	General
8186	L. S.	5/13/83	Brooks Erection & Constr. Co.	Gen/Mech.
8215 ^{to 8220} 11/11/83	L.S.	11/11/83	Koch Engineering	Mechanical Wor
8244	C.P.	5/18/84	Universal Corp.	Constr. Activitie
8245	L.S.	5/21/84	Continental Slip Form Builders	Piling Work
8252	L.S.	6/6/84	Scientific Design	General
8253	C.P.	6/15/84	Crescent Electric	E & I Work
8256	L.S.	6/26/84	S.I.P., Inc.	General
8264	L.S.	8/3/84	Pruitt Construction	General
8273	C.P.	8/16/84	Standard Construction	Supply of Clay
8306	L.S.	11/7/84	Don Tarpey Constr.	Earthwork
8391	L.S.	7/18/85	Geo-Con	Slurry Wall

TEXAS CITY

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
7590	Lump Sum	5/14/76	Texas Gulf Construc- tion Company	Containment Wall Work
7601	Lump Sum	7/7/76	S.I.P., Inc.	AN Raw Materia Dock & Storage
7606	Lump Sum	7/28/76	Epic Instruments	Instrumentation Work
7608	Lump Sum	8/4/76	Crescent Electric	Electrical Work
7613	Lump Sum	8/9/76	S.I.P., Inc.	Tank Shroud Work
7618	Lump Sum	9/17/76	Morrison Engineers & Constructors	Steel Erection Piping, Etc. CEA 3168
7629	Cost Plus	10/29/76	Bellco Industrial Piping Co.	Mechanical & General
7648	Lump-sum Short Form	1/17/77	DeJean Constr. Co.	Site Preparati Work
7661	Cost Plus	3/1/77	J. A. Jones	Construction Work
7667	Lump Sum	3/15/77	Tellepsen Constr.	Sheet Piling
7669	Lump Sum	3/21/77	Don Tarpey	Civil Work
7673	Lump Sum	3/29/77	Natkin & Co.	Mechanical
7684	Lump Sum	4/18/77	Triple H Constr.	Civil Work
7688	Lump Sum	5/19/77	Sargent Electric	E & I Work
7690	Lump Sum	6/1/77	Morrison Engr. & Constructors	Mech. & Civil
7696	Lump Sum	6/28/77	Don Tarpey Constr. Company	Earthwork

TEXAS CITY

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
7503	Lump Sum	3/31/75	Grinnell Fire Systems, Co.	Fire Protection Work
7507	Lump Sum	4/2/75	Crescent Electric Co., Inc.	Electrical & Instrument W
7519	Lump Sum	5/7/75	Union Eng. & Constr. Co.	Earthwork & Foundation Installation
7527	Short Form	6/27/75	Spinoza, Inc.	Railroad Constr. Work
7531	Lump Sum	7/18/75	Don Tarpey Constr. Company	AN Raw Matl. Dock & Stora Work
7544	Lump Sum	9/10/75	Bellco Indus. Piping Co.	Steel Erecti & Equipment Setting & Piping Work
7547	Lump Sum	9/15/75	Brand Insulation Inc.	Piping & Equ Insulation
7553	Lump Sum	10/8/75	Courtney & Co., Inc.	Tank Paint:
7554	Lump Sum	10/8/75	Automatic Sprinkler Corp. of America	Fire Protection
7556	Lump Sum	10/22/75	Crescent Elec. Co. Inc.	Elec. & Instrument Installat:
7564	Lump Sum	12/19/75	Fisk Electric Co.	Electrical Work
7569	Lump Sum	2/3/76	A & B Construction	Underground Piping
7573	Lump Sum	3/3/76	Nunez Construction Company	No. 4 Con Extens:

TEXAS CITY

<u>CONTRACTOR NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
6879	Cost Plus	4/1/70	Tellepsen Construction Company	General
6888	Cost Plus	5/28/70	Crescent Electrical Co., Inc.	Electrical
7079	Lump Sum	3/15/72	Fisk Electric Co.	Electrical
7150	Lump Sum	10/17/72	All State Erectors, Inc.	Equipment Loading
7215	Lump Sum	5/25/73	Don Tarpey Constr.Co.	Foundations
7220	Lump Sum	6/8/73	Don Tarpey Constr.Co.	Shore Tank Foundation & Site Work
7246	Lump Sum	8/7/73	Westheimer	Setting of Reactor Vessel
7255	Lump Sum	8/31/73	Betco Constructors	Install Equip. Steel & Piping
7268	Lump Sum	10/2/73	B & B Insulation	Insul. of Equip. & Piping
7271	Lump Sum	10/5/73	Fisk Electric Co.	Install. of Elec. & Instr. Work
7274	Lump Sum	10/10/73	Automatic Sprinkler Corp. of America	Install. of Fire Protection System
7359	Lump Sum	6/4/74	Serbo Erectors & Contractors	Demolition Work
7380	Lump Sum	7/22/74	Char. R. Haile Assoc.	Surveying Work
7381	Cost Plus	1/1/74	Crescent Elec. Co.	Electrical Work
7433	Lump Sum	11/5/74	Don Tarpey Constr.	Concrete Work
7452	Lump Sum	9/1/74	Nunez Constr. Co.	Piling Work
7500	Lump Sum	3/12/75	Betco Constructors	Steel Erection & Equip. Setting

CHOC. BAYOU

<u>Contract No.</u>	<u>Type</u>	<u>Date</u>	<u>Contractor</u>	<u>Description</u>
8262	L.S.	7/11/84	Brown & Root, Inc.	Dismantling Work
8291	L.S.	9/28/84	LEM Construction Co.	Repair & Modification Work
8301	L.S.	10/23/84	Enserch Eng. & Constructors	Gen. & Mech. Work
8316	S.L.	01/10/85	DeJean Construction	Civil/Structural/Mechanical Work
8343	C.P.	3/18/85	Sargent Elec. Co.	Electrical Work
8478	C.P.	2/5/87	Freeport, GCI, Inc.	Mechanical
8490	C. P.	3/18/87	The Mundy Companies	Asbestos Removal
8491	C. P.	3/23/87	The Mundy Companies	Insulation & Paint
8592	T & M	11/8/88	Gulf States, Inc.	Construction (Gen.

CHOC. BAYOU

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
8150	T & M	1/14/83	Don Love, Inc.	General Work
8151	Lump Sum	1/27/83	Sargent Electric	E & I Work
8152	L.S.	1/27/83	DeJean Construc.	Civil/Structural
8153	L.S.	1/28/83	Don Love, Inc.	Foundation Work
8164	L.S.	3/3/83	Spinoza, Inc.	Railroad Work
8166	L.S.	3/11/83	Voss Internt'l.	Mech. & Piping
8168	L.S.	3/14/83	Voss Internt'l	Civil/Concrete
8170	L.S.	3/23/83	Group Construc.	Flare Header
8172	L.S.	3/30/83	Crescent Elect.	E & I Work
8173	L.S.	3/30/83	Crescent Elect.	E & I Work
8174	L.S.	4/6/83	Group Constr.	Gen/Mech. No. 3
8179	L.S.	4/13/83	Skrla, Inc.	Civil/Struc. #4
8180	C.P.	4/18/83	Ken E. Davis	Deep Well Install
8182	L.S.	4/26/83	Automatic Sprinkl.	Fire Protection
8184	L.S.	5/9/83	Texas Automatic	Fire Protection
8185	L.S.	5/12/83	Group Construc.	General Work
8187	L.S.	5/24/83	Texas Ind. Paint	Painting
8190	L.S.	5/18/83	Group Construc.	Civil/Str./Mech. & Painting
8191	C.P.	6/1/83	Mundy Ind.	General
8196	L.S.	6/7/83	DeJean Constr.	General Work
8198	L.S.	6/22/83	Industrial Spec.	Insulation
8199	L.S.	6/28/83	Skrla, Inc.	Roads & Ground Cover Work
8208	L.S.	9/13/83	Don Love, Inc.	Piping, Insula. Painting & Civil Structural
8210	L.S.	10/5/83	T.D.W. Services	Hot Stopples
8241	L.S.	5/1/84	Don Love, Inc.	General Work

CHOCOLATE BAYOU

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
3046	Lump Sum	11/11/81	RAM Engineers	Mech./Civil/St
8059	Lump Sum	12/30/81	Johnston Intern'l.	Column Replac
8068	Lump Sum	2/9/82	Skrla, Inc.	Civil Earthwo
8073	Lump Sum	3/1/82	Payne & Keller	General Work
8091	Lump Sum	5/6/82	Voss Internat'l.	Civil/Structr
8100	Lump Sum	5/27/82	Hollico	Casing of Pip
8104	Lump Sum	7/2/82	Champions Hydro-Lawn	Grass Seeding
8107	Lump Sum	7/14/82	UMC, Inc.	Underground Fire Water S
8112	Lump Sum	7/23/82	The Prepakt Concr. Company	Augered Piles
8114	Lump Sum	8/13/82	Don Love, Inc.	Control Ctr. Building
8116	Lump Sum	8/23/82	Voss Intern'l.	General/Mech
8118	Lump Sum	9/10/82	Group Construct.	Civil/Mech.
8121	Lump Sum	9/23/82	Voss Intern'l.	Civil/Struc
8134	Lump Sum	10/28/82	Sargent Electric	E & I Work
8135	Lump Sum	10/29/82	Voss International	Civil/Underground Pipi
8136	Lump Sum	11/9/82	Yellow Jacket Cons.	Piping Work
8139	Lump Sum	11/18/82	RAM Engineers	Mechanical
8141	Lump Sum	11/22/82	Gulf States, Inc.	E & I Work
8143	Lump Sum	12/3/82	Don Love, Inc.	General
8146	T & M	1/1/83	Voss International	General
8147	T & M	1/1/83	Group Constructors	Misc.
8148	Lump Sum	1/5/83	Vanderbilt Contr.	Gen/Mech.
8149	Lump Sum	1/6/83	Piling, Inc.	Piling

CHOCOLATE BAYOU

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
7692	Lump Sum	4/11/77	The Ortloff Corp.	Civil Work - Roads
7698	Lump Sum	6/24/77	S & B Constructors	Civil Work
7700	Lump Sum	6/24/77	Mark III, Inc.	Mech. Work
7701	Lump Sum	6/28/77	Crescent Elec.	Elec. - Instr. Calibration & Checkout
7722	Lump Sum	11/7/77	Helm Constructors	Mechanical
7741	Lump Sum	1/27/78	S & B Constructors	Mechanical
7743	Cost Plus	2/9/78	Riley Stoker	Boiler Fuel Conversion
7750	Lump Sum	3/13/78	Sargent Elec. Co.	E & I Work
7780	Cost Plus	7/14/78	Caspan Corporation	General
7788	Cost Plus	8/9/78	Sargent Elec. Co. of Texas	Elec. & Line work
7810	Lump Sum	12/18/78	General Coatings	Insulation
7826	Lump Sum	3/7/79	Johnston Crane & Rigging Inc.	Column Replace
7911	Lump Sum	1/25/80	Ike Hall, Inc.	Incinerator Road Work
7919	C. P.	2/22/80	Voss International	Multi-Craft
7982	L. S.	12/23/80	Freeport Constructors	Modification Work
8044	L. S.	10/30/81	Sargent Electric Co.	Electrical Instrum.

CHOCOLATE BAYOU

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
7530	Lump Sum	7/16/75	Service Boiler Works	Demolition Work
7532	Lump Sum	7/31/75	U. S. Contractors, Inc.	Steel Erection Equip. Setting
7535	Lump Sum	8/4/75	Lord Electric Company of Texas	Electrical & Instrumentatic Work
7536	Lump Sum	8/5/75	Fuller-Austin Insulation Co.	Piping & Equip Insulation Wor
7561	Lump Sum	12/10/75	Solar Insulators, Inc.	Insulation Work
7602	Lump Sum	7/12/76	Don Tarpey Constr. Company	An Waste Heat Recovery
7602	Lump Sum	10/5/76	Mark III	Civil, Mech, & Electrical
7620 (Stratton Ridge)	Lump Sum	10/5/76	Mark III	CEA 2885
7621	Lump Sum	10/6/76	Hudson Engineering	Mechanical Wk CEA 2966
7631	Sh. Form	11/4/76	Diamond Refractories	Erosion Protection W
7639	Lump sum	11/30/76	Triple B Corp.	Insulation
7642	Lump-sum	12/9/76	Davis Electric	Eletrical
7643	Lump-sum	12/10/76	Davis Electric	E&I Work
7656	Lump-sum	2/9/77	Don Tarpey Constr.	Civil Work
7665	Lump Sum	3/11/77	Gulf States.	E & I Work
7670	Lump Sum	3/22/77	Ortloff Corp.	Civil & Coll. & Distribution
7671	Lump Sum	3/22/77	S & B Constr.	Mechanical
7674	Lump Sum	3/28/77	Mark III, Inc.	Mechanical
7680	Lump Sum	4/7/77	Econotherm	Insulation
7681	Lump Sum	4/13/77	Gulf States, Inc.	E & I

CHOCOLATE BAYOU

<u>CONTRACT NO.</u>	<u>TYPE</u>	<u>DATE</u>	<u>CONTRACTOR</u>	<u>DESCRIPTION</u>
6879	Cost Plus	4/1/70	Tellepsen Construction Company	General & Mechanical
6888	Cost Plus	5/28/70	Crescent Electrical Co., Inc.	Electrical
7130	Lump Sum	8/23/72	Spinoza, Inc.	General
7137	Unit Price	9/11/72	Southwestern Laboratories	Soil Testing
7155	Lump Sum	11/1/72	Cardinal Constr.Co.	Constr.
7341	Lump Sum	4/18/74	U.S. Contractors, Inc.	Gen. Const.
7350	Lump Sum	5/14/74	U.S. Contractors, Inc.	Struc. Stl & Equip. Set
7356	Lump Sum	5/29/74	Sargent Elec. Co. of Texas	Elec. & Instr. Inst
7363	Lump Sum	6/5/74	Grinnell Fire Protec. Systems Co., Inc.	Fire Prot.
7380	Lump Sum	7/22/74	Char. R. Haile Assoc.	Surveying Work
7455	Lump Sum	12/10/74	U.S. Contractors	Foundation Work
7478	Lump Sum	1/22/75	Crescent Elec. Co.	Elec, Util. & Instr. Installatic
7486	Lump Sum	2/10/75	Bigelow-Liptak	Instal. Refrac. Lin.
7499	Lump Sum	3/12/75	Betco Constructors	Concrete, Sewer & Earthwork
7504	Lump Sum	3/20/75	Grinnell Fire Protection Systems	Fire Protec. Work