

01659768

NO. 96-333

IN RE: ALL ASBESTOS RELATED
CASES FILED BY BARON & BUDD, P.C.
OR TO BE FILED BY BARON & BUDD
P.C. IN EL PASO COUNTY, TEXAS

§ IN THE DISTRICT COURTS AND
§
§ COUNTY COURTS AT LAW
§
§ OF EL PASO COUNTY, TEXAS

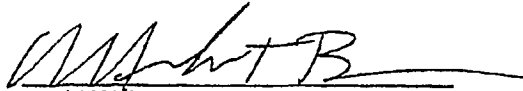
**CHEVRON U.S.A. INC.'S RESPONSES
TO EL PASO MASTER DISCOVERY**

TO: Plaintiffs by and through their attorney of record, Baron & Budd, 3102 Oak Lawn Avenue,
Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A. INC., Defendant herein, and makes and files this its
Response to El Paso Master Discovery propounded to Defendants.

Respectfully submitted,

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



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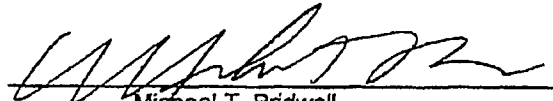
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this the 27 day of OCT, 2000.


Michael T. Bridwell

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PRELIMINARY STATEMENT OF
CHEVRON U.S.A. PRODUCTS COMPANY

Answering Defendant, Chevron Products Company, was at all relevant times an unincorporated division of Chevron U.S.A., Inc. Chevron U.S.A. Inc.'s primary business is and always has been the exploration, production, transportation, refining and marketing of petroleum products. Chevron U.S.A. Inc. is headquartered in San Francisco, California and came into existence on January 1, 1977 after changing its name from Chevron Oil Company. Chevron U.S.A. Inc., Chevron Oil Company, and their predecessors in interest, were wholly owned subsidiaries of Standard Oil Company of California. Standard Oil Company of California, now known as Chevron Corporation, is qualified to do business in Texas.

Over the years, Chevron U.S.A. Inc. and its predecessors (including a small Chevron Company subsidiary known as Chevron Asphalt Company) (hereinafter collectively referred to as "Chevron") manufactured various types of petroleum/asphalt based roofing materials. Chevron distributed these products primarily to areas located on the West Coast of the United States. Moreover, at this time, ~~Chevron knows of no facts or records to indicate that any Chevron asbestos-containing roofing materials were sold or distributed to buyers in Texas.~~ Discovery and investigation is continuing in this regard.

These interrogatories request information from Chevron extending back to the 1940's. Needless to say, Chevron does not know of any employees who were employed by the company during this time. Chevron has departments and divisions and employees at numerous locations. These departments, divisions, and employees at numerous locations. These departments, division, and employees have changed over the years; employees have died, retired, and moved. Many of Chevron's facilities have been substantially changed, sold or overhauled over the years. Further, the company has fragmented and changed several times during the course of its history. As a result, documents have been retained or destroyed pursuant to several different document

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retention plans. In responding to discovery, Chevron has made a diligent inquiry, but each and every employee has not been contacted and questioned concerning the items included in this set of interrogatories. Subject to these limitations, Chevron has made a good faith effort to obtain information responsive to these interrogatories.

In addition, Chevron and its attorneys have not completed their discovery or preparation for trial, nor have they concluded their analysis of information gathered to date. These responses, therefore, are based upon information presently available to Chevron and its attorneys and specifically known to individuals who are preparing these responses. It is anticipated that further discovery and independent investigation may supply additional facts or information, add meaning to known facts, and may establish entirely new factual conclusions and contentions, all of which may lead to additions to, changes in, and variations from the responses set forth herein. The responses herein are made without prejudice to the right of Chevron to provide evidence at the time of trial.

Chevron has never been involved in the mining of asbestos or the manufacture of asbestos insulation. Any asbestos used in the manufacturing process of any product was provided by outside vendors. Some of the roofing materials manufactured by Chevron did contain a minimal amount of chrysotile asbestos fiber to increase the durability of the product when exposed to the elements. In each and every case where asbestos fiber was used in Chevron roofing materials, those fibers were completely encapsulated and trapped in a benign matrix when the product entered the stream of commerce. Chevron's roofing materials were sold in a pre-mixed, liquid form. As such, it was physically impossible for asbestos fibers to escape from the benign matrix during the installation of the product. Chevron has never manufactured any asbestos-containing gasket or insulation material, as those terms are generally understood.

In addition, although the use of asbestos-containing roofing materials manufactured by

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Chevron presented no risk of exposure to respirable asbestos fiber, any alleged risk is decreased by the fact that, by definition, these products are applied and used outside of any enclosed environment.

This "Preliminary Statement" is hereby incorporated by reference to each and every one of the following Answers to Interrogatories.

OBJECTIONSA. OBJECTIONS TO DISCOVERY

1. Defendant objects to Plaintiff's Interrogatories and Request for Production as they are overly broad, overly burdensome and harassing given that Plaintiff's have not adequately specified the work history of Plaintiff/Decedent. Specifically, Defendants would show that Standing Order No. 1 includes master discovery propounded to the plaintiff which provide that the Plaintiff is to detail the applicable employment history including, the dates when the Plaintiff/decedent worked for each employer, the location and description of each job site where the Plaintiff/decedent was employed, the dates the Plaintiff/decedent worked at each such job site, the wage rate for each job site where asbestos exposure is claimed, each job site where the Plaintiff claims the Plaintiff/decedent was exposed to asbestos, the dates when it is claimed Plaintiff/decedent was exposed to asbestos and the name, business address, home address, relationship to Plaintiff and present occupation of each and every witness that has knowledge of fact relevant to any time that Plaintiff claims that the Plaintiff/decedent was exposed to asbestos containing products. The information provided by Plaintiff's does not comport with the requirements of Standing Order No. 1 and accordingly, Plaintiff's have not provided sufficient information to establish presence of the Plaintiff's/decedents on Defendant's premises.
2. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek documents or information not in the possession, custody, or control of Defendant. Such requests seek documents or information (i) not relevant to the subject

matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence and (ii) outside the scope of permissible discovery.

3. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information or documents outside the relevant time period. Plaintiff's requests and interrogatories span more than any possible period of time during which Plaintiff/decendent could have been employed at the facility in question and thus are overly broad, unduly burdensome, harassing, and call for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
4. Defendant objects to Plaintiff's interrogatories and document requests to the extent they seek information or documents pertaining to injuries or human health effects which are not reasonably similar to those alleged by Plaintiff in this lawsuit, and therefore not relevant to any issue in this lawsuit.
5. Defendant objects to any of Plaintiff's interrogatories and document requests which seek information regarding entities other than Defendant. Such interrogatories and requests are overly broad, unduly burdensome and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
6. Defendant objects to any of Plaintiff's interrogatories or document requests which seek information on any facility other than its El Paso, Texas facility. Such interrogatories and requests are overly broad, unduly burdensome, and seek information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible

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evidence.

7. Defendant objects to each of these interrogatories and request for production as overly broad, overly burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The allegations in these cases arise from Defendant's operation of a particular facility in El Paso, Texas which neither manufactured nor distributed any asbestos containing products. Plaintiffs are not claiming exposure to any asbestos containing products manufactured by this Defendant. Accordingly, Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessor, divisions, subsidiaries, foreign subsidiaries or predecessors and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to these interrogatories or requests.

B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the work product privilege in violation of Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are defined to include predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate

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defendant, any interrogatory or request for production utilizing these terms is so overly broad, and over burdensome as to make any request or interrogatory utilizing the term virtually impossible to answer. Further, to the extent the definition is defined to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, any interrogatory or request for production utilizing any of these terms is necessarily overly broad, over burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiff's apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control. Any interrogatory or request for production utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.

2. Defendant objects to Plaintiff's definition of the terms "document", "documents", "written materials", or "printed matter" as the definition of those terms renders any interrogatory or request for production utilizing any of these terms overly broad, over burdensome, harassing, and reduces any such interrogatory or request for production to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.

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3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.
4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.
5. Defendant objects to Plaintiff's definition of the term "medical advisory capacity" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
6. Defendant objects to Plaintiff's definition of the terms "medical department" and "safety department" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to

Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.

7. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any interrogatory or request for production utilizing these terms is vague and ambiguous in that issues exist and minds differ with respect to impairments or disabilities and their associations with exposures to asbestos dust and fibers, if any.

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INTERROGATORY NO. 1:

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 of each person who has supplied any information used in answering these interrogatories.

ANSWER: The interrogatories to which this question applies are, for the most part, interrogatories to which no one person has a precise answer. Interrogatories inquiring about expert witnesses, fact witnesses and the like, are answered by counsel. Most of the remaining questions require that a conclusion be reached from looking at documents or talking to various in sundry people, both within this Defendant's organization and without. Answers given to these interrogatories are based on the best information which is available to counsel upon reasonable inquiry at the time the answers were given. Defendant's answers are accordingly based upon the best information which was available to Defendant and Defendant's counsel upon reasonable inquiry.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER: Defendant objects to this interrogatory as overly broad and unduly burdensome given Plaintiffs' definition of the term "you".

Without waiving the foregoing objection, Chevron U.S.A. Inc. (d/b/a) Chevron Products Company. Chevron U.S.A. Inc. was incorporated in Pennsylvania. Chevron U.S.A. Inc.'s principal place of business is 575 Market Street, San Francisco, California 94105.

Chevron is legally qualified to do business in Texas. The Texas Secretary of State maintains public record of such qualifications and is the agent for service.

INTERROGATORY NO 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mines and whether you sold any asbestos to any defendants in the Dallas County asbestos litigation.

ANSWER: Defendant objects to this interrogatory as overly broad and unduly

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burdensome given Plaintiffs' definition of the term "you".

Without waiving the foregoing objection, see Preliminary Statement. Chevron has never been involved in the mining of asbestos or the manufacturing of asbestos insulation products.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER: Defendant objects to this interrogatory to the extent that it seek proprietary information and information beyond the relevant time period. Defendant further objects to providing information regarding products which are not shown to be related to Plaintiff's claims. Defendant did not manufacture or distribute any asbestos containing products from its El Paso facility, and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the foregoing, Defendant manufactured, marketed and sold Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating from facilities other than Defendant's El Paso facility.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER: Defendant objects to this interrogatory to the extent that it seek proprietary information and information beyond the relevant time period. Defendant further objects to providing information regarding products which are not shown to be related to Plaintiff's claims. Defendant did not manufacture or distribute any asbestos containing products from its El Paso facility, and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the foregoing, Defendant manufactured, marketed and sold Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating from facilities other than Defendant's El Paso facility.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any

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products, state as to each named product the following:

ANSWER: Defendant objects to this interrogatory to the extent that it seek proprietary information and information beyond the relevant time period. Defendant further objects to providing information regarding products which are not shown to be related to Plaintiff's claims. Defendant did not manufacture or distribute any asbestos containing products from its El Paso facility, and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.

ANSWER: Without waiving the foregoing, Plaintiff manufactured, marketed and sold Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating. Neither product was manufactured or sold by Defendant's El Paso facility.

- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.

ANSWER: Without waiving the foregoing, Plaintiff manufactured, marketed and sold Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating. Neither product was manufactured or sold at Defendant's El Paso facility.

- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.

ANSWER: Without waiving the foregoing, Plaintiff manufactured, marketed and sold Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating. Neither product was manufactured or sold at Defendant's El Paso facility.

- D. The date each of the named products was placed on the market.

ANSWER: Chevron Asbestos Roof Coating was first sold in 1940. Chevron Aluminum Asbestos Roof Coating was first sold in 1947. Neither product was manufactured or sold at Defendant's El Paso facility.

- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.

ANSWER: See Preliminary Statement. Asbestos Roof Coating was a heavy black liquid that weighed 8.4 pounds per gallon. Aluminum Asbestos Coating was a heavy

grey liquid with a gel like consistency that weighed 9.5 pounds per gallon. Neither product was manufactured or sold by Defendant's El Paso facility.

- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.

ANSWER: Chevron Asbestos Roof Coating was last sold in approximately 1984. Chevron Aluminum Asbestos Roof Coating was last sold in approximately 1985. Neither product was manufactured or sold by Defendant's El Paso facility.

- G. The date asbestos was removed from such products, if ever, and the reasons therefor.

ANSWER: Not Applicable.

- H. A description of the physical appearance of each of the named products.

ANSWER: See response "E".

- I. A detailed description of the intended uses of the named products.

ANSWER: Roof coating.

- J. Identify the last year that you sold each asbestos-containing product.

ANSWER: Chevron Asbestos Roof Coating was last sold in approximately 1984. Chevron Aluminum Asbestos Roof Coating was last sold in approximately 1985. Neither product was manufactured or sold at Defendant's El Paso facility.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the product listed in Interrogatory No. 6 still exist? If so state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER: Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege. Without waving the objection, Defendant has not undertaken a historical research to

identify and locate all past and present employees to interview for information or documentation responsive to this request. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objections, Chevron states that it fully complied with any applicable federal and state laws as those laws were enacted. Further, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documentation responsive to this request. Defendant is unaware of any testing. Neither product was manufactured or sold by Defendant's El Paso facility, and Plaintiff is not claiming exposure to either product.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this interrogatory to the extent it

seeks information which is proprietary and protected from discovery by privilege.

Without waiving the objections, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documentation responsive to this request. Without waiving the objections, Defendant is unaware of any documents.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification:

ANSWER: Not applicable.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objections, Chevron states that it fully complied with any applicable federal and state laws as those laws were enacted. Further, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documentation responsive to this request. Defendant is unaware of any testing. Neither product was manufactured or sold by Defendant's El Paso facility, and Plaintiff is claiming exposure to either product.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege.

Without waiving the objections, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documents responsive to this request. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER: Not Applicable.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the asbestos-containing products listed in Interrogatory No. 6? If so, state:

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- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome and irrelevant. Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege.

Without waiving the objections, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documents responsive to this request. Neither product was manufactured or sold by Defendant's El Paso facility, and Plaintiff is not claiming exposure to either product.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objection, Defendant has no knowledge and has located no records that indicate any such lawsuits filed prior to 1970.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER: Defendant objects to this interrogatory as overly broad, overly burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not distribute, market, package, label and/or sell any asbestos containing products from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege.

Without waiving the objections, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documents responsive to this request. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER: Defendant objects to this interrogatory to the extent that it is overly broad and

unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It is impossible to identify a specific time as to when Chevron's awareness of the potential hazards of asbestos exposure occurred or a specific method or medium by which Chevron acquired knowledge of these various hazards.

Without waiving any of the foregoing, the El Paso refinery did not maintain a medical department. The El Paso refinery would use outside contractor physicians. A corporate medical department in California was available to consult with safety engineers at each facility. The corporate medical director in the 1940's, 1950's and 1960's was Dr. Lee Curtis (now deceased). Dr. Gordon Richmond was the corporate medical director from 1970 up to 1975. From 1980 to 1983, Dr. R. E. Swencicki (now deceased) shared the position with Dr. William T. Kelley (February, 1980-June 1980) and with Dr. Samuel N. Bacon (June, 1980-October, 1983.) Dr. Swencicki held the medical director position from then until and beyond 1985. The last known addresses at which the corporate medical directors could be reached is C/O Chevron Products Co., 6001 Bollinger Canyon Road, San Ramon, California 94583-2324.

INTERROGATORY NO. 19:

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, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER: Defendant objects to this interrogatory to the extent that it is overly broad and unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the objection, Defendant has not undertaken a historical research to identify and locate all past and present employees to interview for information or documentation responsive to this request. Defendant refers Plaintiff to documents produced from its El Paso facility in prior litigation. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

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INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- B. Whether any of those Publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such Publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

ANSWER: Defendant objects to this Interrogatory as overly broad, unduly burdensome and irrelevant. Defendant has no documents which would indicate the year that it joined the American Petroleum Institute (API). According to the API, the records they have for corporate memberships begin in 1949, and those indicate that one Chevron entity became a corporate API member in 1965. According to the records of the National Safety Council it has not been determined when Chevron first became a member, if ever. Other memberships include the American Industrial Hygiene Association (dates unknown) and the Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF) 1950 to 1960.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER: Defendant objects to this Interrogatory to the extent it is overly broad and unduly burdensome. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the objection, based upon current information and belief

Defendant manufactured Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof coating at three sites. They were: Willbridge, Oregon; Richmond, California; and El Segundo, California.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER: Defendant objects to this Interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this Interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege as well as not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to

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potential consumers.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege as well as not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER: Defendant is self-insured for the type of claims and injuries alleged herein. Chevron carries catastrophic liability insurance the retention for which exceeds the potential exposure to liability in this lawsuit.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

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ANSWER: The medical and scientific knowledge regarding the potential hazards of asbestos exposure in different contexts was developed over many years, and is the subject of expert testimony in this and ongoing litigation. Accordingly, Chevron objects to this interrogatory to the extent that it seeks information that is subject to attorney/client and attorney work product privileges.

Without waiving the objections, Defendant responds that it is not possible to identify a specific time as to when Defendant's awareness of the potential hazards of asbestos exposure occurred, or a specific method or medium by which Defendant acquired knowledge of such hazards.

In addition, this interrogatory is incapable of being fully and reliably answered without speculation, because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations. Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine how any one employee may have learned of the diseases asbestosis, lung cancer, pleural disease, mesothelioma, gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer and what any particular employee may have learned regarding the alleged causes of such disease. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstances, such as in mines or in textile mills, does not necessarily mean that they became aware at the same time of any risk of harm in typical of refinery operations. As the risk of harm in refinery operations became known, Defendant took appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos containing products.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences

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or effects of asbestos exposure.

- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER: The medical and scientific knowledge regarding the potential hazards of asbestos exposure in different contexts was developed over many years, and is the subject of expert testimony in this and ongoing litigation. Accordingly, Chevron objects to this interrogatory to the extent that it seeks information that is subject to attorney/client and attorney work product privileges. Defendant objects to this interrogatory to the extent it assumes that asbestos is the sole cause of lung cancer.

Without waiving the objections, Defendant responds that it is not possible to identify specific time as to when Defendant's awareness of the potential hazards of asbestos exposure occurred, or a specific method or medium by which Defendant acquired knowledge of such hazards.

In addition, this interrogatory is incapable of being fully and reliably answered without speculation, because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations. Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine how any one employee may have learned of the diseases asbestosis, lung cancer, pleural disease, mesothelioma, gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer and what any particular employee may have learned regarding the alleged causes of such disease. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstances, such as in mines or in textile mills, does not necessarily mean that they became aware at the same time of any risk of harm in typical of refinery operations. As the risk of harm in refinery operations became known, Defendant took appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos containing products.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

ANSWER: The medical and scientific knowledge regarding the potential hazards of asbestos exposure in different contexts was developed over many years, and is the subject of expert testimony in this and ongoing litigation. Accordingly, Chevron objects to this interrogatory to the extent that it seeks information that is subject to attorney/client and attorney work product privileges. Defendant objects to this interrogatory to the extent it assumes that asbestos is the sole cause of pleural disease, pleural thickening or pleural plaques.

Without waiving the objections, Defendant responds that it is not possible to identify a specific time as to when Defendant's awareness of the potential hazards of asbestos exposure occurred, or a specific method or medium by which Defendant acquired knowledge of such hazards.

In addition, this interrogatory is incapable of being fully and reliably answered without speculation, because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations. Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine how any one employee may have learned of the diseases asbestosis, lung cancer, pleural disease, mesothelioma, gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer and what any particular employee may have learned regarding the alleged causes of such disease. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstances, such as in mines or in textile mills, does not

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necessarily mean that they became aware at the same time of any risk of harm in typical of refinery operations. As the risk of harm in refinery operations became known, Defendant took appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos containing products.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER: The medical and scientific knowledge regarding the potential hazards of asbestos exposure in different contexts was developed over many years, and is the subject of expert testimony in this and ongoing litigation. Accordingly, Chevron objects to this interrogatory to the extent that it seeks information that is subject to attorney/client and attorney work product privileges. Defendant objects to this interrogatory to the extent it assumes that asbestos is the only cause of mesothelioma.

Without waiving the objections, Defendant responds that it is not possible to identify a specific time as to when Defendant's awareness of the potential hazards of asbestos exposure occurred, or a specific method or medium by which Defendant acquired knowledge of such hazards.

In addition, this interrogatory is incapable of being fully and reliably answered without speculation, because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations. Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine how any one employee may have learned of the diseases asbestosis, lung cancer, pleural disease, mesothelioma, gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer and what any particular employee may have learned regarding the alleged causes of such disease. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstances, such as in mines or in textile mills, does not necessarily mean that they became aware at the same time of any risk of harm in typical of refinery operations. As the risk of harm in refinery operations became known, Defendant took appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos containing products.

INTERROGATORY NO. 29:

As to gastrointestinal cancer, laryngeal pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects asbestos exposure.
- E. What information was disseminated via Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or

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predecessor in a written form.

G. Who is the custodian of such information.

ANSWER: The medical and scientific knowledge regarding the potential hazards of asbestos exposure in different contexts was developed over many years, and is the subject of expert testimony in this and ongoing litigation. Accordingly, Chevron objects to this interrogatory to the extent that it seeks information that is subject to attorney/client and attorney work product privileges. Defendant objects to this interrogatory to the extent it assumes that asbestos is the cause of gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer.

Without waiving the objections, Defendant responds that it is not possible to identify a specific time as to when Defendant's awareness of the potential hazards of asbestos exposure occurred, or a specific method or medium by which Defendant acquired knowledge of such hazards.

In addition, this interrogatory is incapable of being fully and reliably answered without speculation, because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations. Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine how any one employee may have learned of the diseases asbestosis, lung cancer, pleural disease, mesothelioma, gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer and what any particular employee may have learned regarding the alleged causes of such disease. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstances, such as in mines or in textile mills, does not necessarily mean that they became aware at the same time of any risk of harm in typical of refinery operations. As the risk of harm in refinery operations became known, Defendant took appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos containing products.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer

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is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving these objections, to the extent that this interrogatory requires Defendant to make a compilation, abstract or summary, Plaintiffs have equal access to all such studies or surveys that may form the basis for such a contention.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared on thereon.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It seeks information beyond the relevant time period. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials of asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.

- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. This interrogatory seeks information which is proprietary and protected from discovery by privilege, and seeks information beyond the relevant time period. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the objections, at some time between approximately 1984 and 1986 Chevron entered into an agreement or agreements for the rebranding of Chevron Asbestos Roof Coating, Chevron Aluminum Asbestos Roof Coating manufactured by Gibson-Homas to be sold by Chevron, but not out of its El Paso facility.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER: Defendant objects to this interrogatory as overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

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- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER: Defendant objects to this interrogatory as overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER: Defendant objects to this interrogatory in that it is over broad, unduly burdensome, and seeks information that is confidential and privileged.

Without waiving this objection, Chevron does not index or maintain the information sought by this Interrogatory in a manner that would permit it to determine the number and dates of asbestos-related workers' compensation claims made against Chevron. Accordingly, Chevron would have to conduct a full review of every workers' compensation claim ever filed against it. Chevron states that it is not aware of any workers' compensation claim for asbestos related injury having been filed against it prior to 1968.

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INTERROGATORY NO. 36:

Did defendant or any of its subsidiaries or Predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER: Defendant objects to this interrogatory as overly broad, overly burdensome in calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is not limited to any applicable period of time. It is not possible to identify or locate each and every document and/or source of information which Defendant may have to respond to this interrogatory.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.

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- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER: Defendant objects to this Interrogatory to the extent it is overly broad and unduly burdensome. This interrogatory further seeks information beyond the relevant time period.

Without waiving the objections, no.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. This interrogatory seeks information which is proprietary and protected from discovery by privilege, and seeks information beyond the relevant time period. Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney

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taking the deposition for the Plaintiffs in that case.

ANSWER: Defendant objects to providing a summary of the testimony expected to be given by each such witness as such request is outside of the course of allowable discovery and it calls for material exempted from discovery by the privilege afforded work product, Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant objects to the remainder of this interrogatory as overly broad and overly burdensome.

Without waiving the foregoing, Defendant may call present or former company representatives as witnesses at the trial of any of these cases. The names, addresses and job titles of company representatives who may be called are provided in Responses to Master Witness Designations, already on file in El Paso County. In addition, please refer to the responses for Request for Disclosure that may be filed in any particular case.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. This interrogatory seeks information which is proprietary and protected from discovery by privilege, and seeks information beyond the relevant time period.

Without waiving the objections, Defendant states that a subsidiary of Chevron's predecessor, known as Kewanee Industries, Inc., had an unincorporated division that reputedly advertised an asbestos containing roofing product in a trade catalog between the years 1979 and 1982. Chevron acquired this business entity during 1985. The State of Incorporation, principal place of business, whether or not the business was authorized to

operate in the state of Texas are all unknown.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER: See Preliminary Statement. Yes.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER: See Preliminary Statement. Roofers were the foreseeable users of Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER: See Preliminary Statement. Yes.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER: Defendant objects to this interrogatory to the extent that it calls for a legal

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conclusion, and it requires defendant to speculate as to other causes of action that Plaintiffs may allege and who may be potential parties based on those contentions. Defendant further objects to this interrogatory to the extent it invades the attorney work product privilege. Defendant further objects to this interrogatory as irrelevant as Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER: See Preliminary Statement. Defendant objects to this Interrogatory to the extent it is overly broad and unduly burdensome. The Plaintiffs are the subject matter of this litigation and no evidence has been produced that any of the Plaintiffs were employees of Defendant and Defendant did not maintain records on contract employees. It would impossible for Defendant to know where products were used, sold or distributed. However, Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. The Plaintiffs are the subject matter of this litigation and no evidence has been produced that any of the Plaintiffs were employees of Defendant and Defendant did not maintain records on contract employees. It would impossible for Defendant to know where products were used, sold or distributed. However, Defendant did not manufacture or distribute any asbestos containing material from its El Paso facility and Plaintiff is not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER: See Preliminary statement. Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objection, Defendant has not undertaken historical research to identify and locate all past and present employees to interview for information or documentation responsive to this request. Further, Defendant is unaware of any studies.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. Defendant objects to this interrogatory to the extent it seeks information which is proprietary and protected from discovery by privilege.

Without waiving the objection, Chevron has an affiliated Research and

Technology Company that exists primarily for purposes of testing the performance, safety and commercial viability of petroleum based products.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was-established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER: See Preliminary Statement. Defendant objects to this Interrogatory to the extent that it is overly broad, unduly burdensome and seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in these cases.

Without waiving any of the foregoing, the El Paso refinery did not maintain a medical department. The El Paso refinery would use outside contractor physicians. A corporate medical department in California was available to consult with safety engineers at each facility. The corporate medical director in the 1940's, 1950's and 1960's was Dr. Lee Curtis (now deceased). Dr. Gordon Richmond was the corporate medical director from 1970 up to 1975. From 1980 to 1983, Dr. R. E. Swencicki (now deceased) shared the position with Dr. William T. Kelley (February, 1980-June 1980) and with Dr. Samuel N. Bacon (June, 1980-October, 1983.) Dr. Swencicki held the medical director position from then until and beyond 1985. The last known addresses at which the corporate medical directors could be reached is [C/O Chevron Products Co., 6001 Bollinger Canyon Road, San Ramon, California 94583-2324.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to

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the discovery of admissible evidence as Defendant did not manufacture nor distribute an asbestos containing products from its El Paso facility and Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the foregoing, although warnings regarding certain health hazards associated with exposure to petroleum naphtha were placed on labels affixed to the containers of Chevron Asbestos Roof Coating and Chevron Aluminum Asbestos Roof Coating, there were no warnings specifically referencing asbestos.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER: Defendant objects to this interrogatory to this extent that it is overly broad, unduly burdensome, ambiguous and vague.

Without waiving the objection, Defendant states that only the name of the company was placed on the product identified in Interrogatory No. 6.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome and requests information which is proprietary in nature. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence as Defendant did not manufacture or distribute any asbestos containing products from its El Paso facility and Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant. Defendant further objects to this interrogatory as it assumes or suggests the testing and/or changes were necessary.

Without waiving the foregoing, Defendant's products did not release

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respirable asbestos fibers during use or handling, therefore, no changes, substitutions or modifications were necessary.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome and requests information which is proprietary in nature. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence as Defendant did not manufacture or distribute any asbestos containing products from its El Paso facility and Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant. Defendant further objects to this interrogatory as it assumes or suggests the testing and/or changes were necessary.

Without waiving the foregoing, Defendant's products did not release respirable asbestos fibers during use or handling, therefore, no recalls were necessary.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER: Defendant objects to this interrogatory in that it is overly broad and unduly burdensome. Further, this request is vague, ambiguous and irrelevant and seeks information which is proprietary. Defendant did not manufacture nor distribute an asbestos containing products from its El Paso facility and

Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant.

Without waiving the foregoing objections, to the best of Defendant's knowledge and prior to 1970 Defendant did not sell asbestos free roof coatings that could have substituted for those which contained asbestos.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER: Not applicable.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER: See Preliminary Statement. Defendant objects to this interrogatory to the extent that it is overly broad and unduly burdensome and requests information about premises which are not identified and which are not involved in the incidents made the basis of these cases.

Without waiving the objection, Defendant states that it is impossible for it to identify each and every document and/or source of information which may have contributed to its collective corporate knowledge of this information. Further, the Plaintiffs are the subject matter of this litigation and no evidence has been produced that any of the Plaintiffs were employees of Defendant and Defendant did not maintain records on contract employees. Defendant did not manufacture nor distribute an asbestos containing products from its El Paso facility and Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objection, in an organization of Chevron's size and duration, it is impossible to determine when a responsible employee was first advised of the threshold limit values and maximum allowable concentrations of both asbestos dust and total dust containing asbestos fibers or who that employee might have been. Defendant does not know and maintains no records that would demonstrate this information.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome.

Without waiving the objection, in an organization of Chevron's size and duration, it is impossible to determine when a responsible employee was first advised of the threshold limit values and maximum allowable concentrations of both asbestos dust and total dust containing asbestos fibers or who that employee might have been. Defendant does not know and maintains no records that would demonstrate this information.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER: See Preliminary statement. Defendant objects to this interrogatory to the extent that it is overly broad and unduly burdensome and requests information about premises which have not been identified. Defendant did not manufacture nor distribute an asbestos containing products from its El Paso facility and Plaintiffs are not claiming exposure to any asbestos containing products manufactured by Defendant.

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Without waiving the objections, Defendant states that it is impossible for it to identify each and every document and/or source of information which may have contributed to its collective corporate knowledge of this information.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of Publications to your answers.

ANSWER: Please refer to Defendant's Master List of Expert Witnesses which is on file in El Paso County. Any supplemental information responsive to this Interrogatory, but which is not provided, will be supplemented in individual cases pursuant to the Texas Rules of Civil Procedure and/or Scheduling Order.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.

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- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER: Defendant objects to this interrogatory to the extent it is over broad, over burdensome, and calls for information which is attorney work product.

Without waiving the foregoing, please refer to Defendant's responses and supplemental responses to Request for Disclosure propounded by Baron and Budd in present or prior litigation.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER: Defendant objects to this interrogatory as calling for information which is exempted from discovery by the attorney work product privilege embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence.

Without waiving the foregoing, Defendant will comply with the Texas Rules of Civil Procedure and/or any Scheduling Order applicable to any individual case.

INTERROGATORY NO. 63:

Please state when you first received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER: Defendant objects to this interrogatory to the extent it is overly broad and unduly burdensome. In an organization of Chevron's size and duration, it is impossible to determine when or if a responsible employee was first aware of this document. Defendant does not know and maintains no records that would demonstrate this information. Further, since Defendant is not in the textile business and the report is not related to its industry, Defendant's management would not be aware of this report.

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

ANSWER: Defendant objects to this request is overly broad and unduly burdensome. Defendant further objects to this request as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture nor distribute any asbestos containing products from its El Paso facility and Plaintiffs are not claiming any exposure to any asbestos containing products manufactured by Defendant.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

ANSWER: Defendant objects to this request as overly broad, vague and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant did not manufacture nor distribute any asbestos containing products from its El Paso facility and Plaintiffs are not claiming any exposure to any asbestos containing products manufactured by Defendant.