

NO. B-126,986

RUSSELL ALLEN, ET AL § IN THE DISTRICT COURT OF
 §
VS. § JEFFERSON COUNTY, TEXAS
 §
AMERICAN PETROFINA, INC., §
ET AL § 60TH JUDICIAL DISTRICT

DEFENDANT'S RESPONSE TO PLAINTIFFS'
OCTOBER, 1990 REQUEST FOR PRODUCTION

To: Plaintiffs, and their attorney of record, JOSEPH C. BLANKS, of Reaud, Morgan & Quinn, 909 Laurel Street, Beaumont, Texas, 77701:

COMES NOW EXXON CORPORATION D/B/A EXXON COMPANY, Defendant in the above-entitled and numbered cause of action, and would make and file this its Response to Plaintiffs' Request for Production as follows:

SEE ATTACHED.

Respectfully submitted,

HAYS, McCONN, PRICE
& PICKERING

By 
B. STEPHEN RICE
State Bar No. 16838000
400 Citicorp Center
Houston, Texas 77002
(713) 654-1111
Telecopier: 655-9212

021119

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STRONG, PIPKIN, NELSON*
& BISSELL

By David Ledyard
DAVID W. LEDYARD
State Bar No. 12109400
595 Orleans Street
14th Floor
Beaumont, Texas 77701
(409) 835-4581

Attorneys for Defendant,
EXXON CORPORATION D/B/A
EXXON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been sent certified mail, return receipt requested and/or hand delivery to Joseph C. Blanks, of Reaud, Morgan & Quinn, 909 Laurel Street, Beaumont, Texas, 77701 and all other known counsel of record on this the 20th day of Nov, 1990.

B. Stephen Rice
B. STEPHEN RICE

*Signed by permission

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REQUEST FOR PRODUCTION NO. 1:

Please produce all OSHA inspection documents which relate in any way to OSHA inspecting your plant or plants from asbestos exposure and/or any part of OSHA regulation 1910.1001 and/or previously designated regulation for asbestos.

RESPONSE: Defendant objects to this request on the basis that it is overly broad and not limited in geographic scope to the plants located along the Texas Gulf Coast in which the Plaintiffs claim to have been exposed to asbestos. Defendant additionally objects to this request on the basis that it is vague and ambiguous and that it fails to identify what is meant by "previously designated regulations for asbestos". Subject to and limited by this objection, documents responsive to this request will be provided for inspection and copying in the usual course of business at Defendant's facilities or, where appropriate, in the office of Defendant's counsel at a mutually convenient date and time.

REQUEST FOR PRODUCTION NO. 2:

Please produce all OSHA logs, including but not limited to the OSHA Form 200, for occupational injuries and illnesses for each of this Defendant's facilities.

RESPONSE: Defendant objects to this request on the basis that it is overly broad, burdensome and constitutes harrasment in that it is not limited in geographic scope to the plants located along the Texas Gulf Coast, in which the Plaintiffs claim to have been exposed to asbestos, or to diseases or injuries that are related to asbestos exposure. Further, this request is vague and ambiguous and it fails to identify what logs are requested beyond the OSHA Form 200. Subject to and limited by these objections, the OSHA Form 200's that can be located will be provided for inspection and copying in the usual course of business at Defendant's facilities or, where appropriate, in the office of Defendant's counsel at a mutually convenient time and date.

REQUEST FOR PRODUCTION NO. 3:

Please produce all field notes, memorandums, or other records which deal with or relate to any OSHA inspection of your facilities for asbestos under the OSHA regulations as described in Request for Production No. 1 above. This request includes, but is not limited to, air sampling results whether collected by you or by OSHA, field notes of personnel accompanying and/or observing OSHA personnel, correspondence between anyone which reports and/or mentions

such a survey, correspondence which reports and/or mentions any corrective action considered by this defendant as a result of said inspections, requests for additional personnel to comply with any aspect of said OSHA regulations, request for additional funds to comply with any of said regulations and/or any requests for additional equipment to comply with said regulations.

RESPONSE: Defendant objects to this request on the basis that it is overly broad and not limited in geographic scope to the plants located along the Texas Gulf Coast in which the Plaintiffs claim to have been exposed to asbestos. Defendant further objects to this request to the extent that it may call for the production of documents that are exempt from discovery under attorney client privilege. Subject to and limited by this objection, documents responsive to this request will be provided for inspection and copying in the usual course of business at Defendant's facilities or, where appropriate, in the office of Defendant's counsel at a mutually convenient date and time.

REQUEST FOR PRODUCTION NO. 4:

Please produce all correspondence which mentions and/or discusses any aspect of the Walsh Healey Act and asbestos.

RESPONSE: Defendant objects to this request on the basis that it is overly broad and not limited in geographic scope to the plants located along the Texas Gulf Coast in which the Plaintiffs claim to have been exposed to asbestos. Defendant further objects to this request to the extent that it may call for the production of documents that are exempt from discovery under attorney client privilege. If such documents are located, and if requested, they will be provided to the Court for in-camera inspection pursuant to the Texas Rules of Civil Procedure. Subject to and limited by these objections, documents responsive to this request to the extent that they exist will be provided for inspection and copying in the usual course of business at Defendant's facilities or, where appropriate, in the office of Defendant's counsel at a mutually convenient date and time.

REQUEST FOR PRODUCTION NO. 5:

Please produce your records which concern the preparation of comments, the compilation of comments and/or data, and/or the comments themselves which were submitted to any trade association and/or any other business entity for the purpose and/or partial purpose of making comments on or about any regulation and/or proposed regulation at any level which in

any way concerned asbestos and/or exposure of humans to asbestos.

RESPONSE: Defendant objects to this request because it is not reasonably calculated to lead to the discovery of admissible evidence. As a matter of law, the information requested by this inquiry is not and will never be relevant or admissible for any purpose in this litigation.

REQUEST FOR PRODUCTION NO. 6:

Please produce your records which show the compilation of information used to determine compliance costs with any regulation which covers asbestos and/or compliance with asbestos.

RESPONSE: Defendant objects to this request because it is vague and ambiguous. As phrased, Defendant cannot reasonably determine the specific materials responsive to this request.

REQUEST FOR PRODUCTION NO. 7:

Please produce records which show any position taken by you directly and/or through any other entity with regard to any regulation and/or proposed regulation and/or proposed change in regulation which in any way involved asbestos.

RESPONSE: Defendant objects to this request because it is not reasonably calculated to lead to the discovery of admissible evidence. As a matter of law, the information requested by this inquiry is not and will never be relevant or admissible for any purpose in this litigation. Defendant further objects to this request because it is vague and ambiguous. As phrased, Defendant cannot reasonably determine the specific materials responsive to this request.

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HAYS, McCONN, PRICE & PICKERING
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW
400 CITICORP CENTER
1200 SMITH STREET
HOUSTON, TEXAS 77002
TELEPHONE (713) 654-1111
TELECOPIER (713) 655-9212

B. STEPHEN L. RICE, P.C.
PARTNER

May 31, 1990

BY FEDERAL EXPRESS

Mr. Herschel L. Hobson
Law Office of Herschel L. Hobson
2190 Harrison
Beaumont, Texas 77701

Re: Cause No. B-126,986; Russell Allen, et al. vs.
American Petrofina, Inc., et al.; In the 60th
Judicial District Court of Jefferson County, Texas

Dear Mr. Hobson:

Pursuant to the previous agreements concerning this matter relating to the request for production to Exxon and the deposition notice of Exxon and without waiver of our objections to same, we are enclosing responsive documents which Exxon has located to date and which are batestamped Nos. 18-0000001 through 18-0000925. If you have any questions, please do not hesitate to call.

Sincerely yours,

HAYS, McCONN, PRICE & PICKERING

B. Stephen Rice
B. Stephen Rice

BSR/kgb
Encls.
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cc: All other counsel of record
(w/o enclosures)

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☒ HLN

☐ BN	☐ WF	☐ JKH
☐ NL	☒ BL 6/1/90	☐
☐	☐	☐

DATA ENTRY: _____ INITIALS: _____

ASBESTOS/NON-ASBESTOS/CLOSED (CIRCLE ONE)

FILE FOLDER: Disc 40 EXXON