

NO. 90G2055

WELDON R. MOAKE; ET AL.,

Plaintiffs,

vs.

ACandS, INC., ET AL.,

Defendants.

IN THE DISTRICT COURT

BRAZORIA COUNTY, TEXAS

239TH JUDICIAL DISTRICT

**ASARCO INCORPORATED'S OBJECTIONS AND RESPONSES TO PLAINTIFF
WELDON R. MOAKE'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR
PRODUCTION, AND FIRST REQUEST FOR ADMISSIONS**

GENERAL OBJECTIONS

1. ASARCO, Incorporated ("ASARCO") generally objects to any discovery request, definition, or instruction that purports to require ASARCO to respond to any discovery request in a manner or to an extent not required by the Texas Rules of Civil Procedure.
2. ASARCO objects to any discovery request which seeks information protected by any privilege, including the attorney-client and/or attorney work product privileges.
3. ASARCO objects to any discovery request to the extent that it seeks information regarding trade secrets, confidential financial data, or other proprietary information.
4. ASARCO objects to any discovery request to the extent that it seeks information that is not within the personal knowledge of ASARCO or its current employees.
5. ASARCO generally objects to plaintiff's request for documents that are not in ASARCO's possession, custody, or control.
6. ASARCO objects to any discovery request that seeks information that is not relevant to the subject matter involved in the pending action, that is not reasonably calculated to lead to the discovery of admissible evidence, that was prepared in anticipation of litigation or for trial by or for ASARCO's representatives, including attorneys, consultants, and agents, or that are otherwise beyond the scope of discovery permitted by the Texas Rules of Civil Procedure.

7. ASARCO generally objects to any discovery request seeking information as to entities other than ASARCO on the grounds that 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.

8. ASARCO objects to any discovery request regarding ASARCO facilities that are not at issue in this case on the grounds that any such Interrogatory or request for such documents is overly broad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. ASARCO objects to any discovery request seeking information regarding plaintiffs other than Weldon R. Moake on the grounds that such plaintiffs assert no claims against ASARCO, and any such Interrogatory or document request is therefore overly broad, unduly burdensome, and seeks information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10. Where ASARCO otherwise responds to any discovery request, it does so by incorporating each of these General Objections by reference into each individual response, without waiving any of its stated objections.

OBJECTIONS TO DEFINITIONS

1. ASARCO objects to plaintiff's definition of "Defendant," "You," "Your," and "Your company" to the extent that it includes entities that are not parties to this case. ASARCO further objects to this definition to the extent it includes former officers, directors, agents and employees over whom ASARCO no longer has dominion and control. By way of further objection, the use of these definitions transforms plaintiff's discovery requests into an overly broad, unduly burdensome fishing expedition and is, therefore, in violation of the Texas Rules of Civil Procedure.
2. ASARCO objects to plaintiff's definition of "document", "documents", "written materials", and "printed matter" to the extent it includes information protected by privilege, including the attorney-client and attorney work product privileges. ASARCO further objects to this definition to the extent it includes documents which are no longer in ASARCO's possession and/or control and which, consequently, cannot be produced. By way of further objection, ASARCO objects to this definition to the extent it includes documents from entities which are not named defendants in this case.
3. ASARCO objects to plaintiff's definition of "person" and "persons" to the extent it includes entities that are not parties to this case. ASARCO further objects to this definition to the extent it includes former officers, directors, agents and employees over whom ASARCO no longer has dominion and control. By way of further objection, the use of these definitions transforms plaintiff's discovery requests into an overly broad, unduly burdensome fishing expedition and is, therefore, in violation of the Texas Rules of Civil Procedure.
4. ASARCO objects to plaintiff's definition of "meeting" or "meetings" to the extent it includes information protected by privilege, including the attorney-client and work product privileges. By way of further objection, ASARCO objects to this definition on the grounds that it is overly broad, vague, ill-defined, and not susceptible to a precise response.
5. ASARCO objects to plaintiff's definition of "product containing asbestos fibers," "asbestos-containing products," "asbestos products," "asbestos" or "asbestos materials" on the grounds that it is overly broad, vague, ill-defined, and not susceptible to a precise response.
6. ASARCO objects to plaintiff's definition of "medical advisory capacity" on the grounds that it is overly broad, vague, ill-defined, and not susceptible to a precise response.
7. ASARCO objects to plaintiff's definition of "plant" and "facility" on the grounds that it is overly broad, vague, ill-defined, and not susceptible to a precise response. By way of further objection, ASARCO objects to this definition to the extent it encompasses substances other than asbestos on the grounds that it is overly broad and irrelevant.
8. ASARCO objects to plaintiff's definition of "research" and "research department" on the grounds that it is overly broad, vague, ill-defined, and not susceptible to a precise response.

9. ASARCO objects to plaintiff's definition of "medical department" and "safety department" on the grounds that it is overly broad, vague, ill-defined, and not susceptible to precise response.

10. ASARCO objects to plaintiff's definition of "test" and "testing" to the extent it encompasses substances other than asbestos on the grounds that it is overly broad and irrelevant.

11. ASARCO objects to plaintiff's definition of "abate" and "abatement" to the extent it encompasses substances other than asbestos on the grounds that it is overly broad and irrelevant.

**RESPONSES TO INTERROGATORIES, REQUEST FOR PRODUCTION, AND
REQUEST FOR ADMISSIONS**

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiffs Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

RESPONSE:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and irrelevant to the extent that it seeks the identity of each individual who supplied information, no matter how insignificant or minute the information supplied. By way of further objection, a year by year list of all other positions, titles or jobs held by each such individual is overly broad and irrelevant to the issues raised in this case.

Subject to and without waiving the foregoing objections, information contained within certain answers to certain questions in this set of interrogatories was secured directly or indirectly from former ASARCO employees, including, but not limited to:

Robert S. Jones: Employed by ASARCO at the Corpus Christi facility from approximately 1949 to 1985 in various positions including Engineer, Power Plant Assistant Superintendent, Power Plant Superintendent, Assistant Plant Engineer, and Plant Engineer.

C.B. White: Employed by ASARCO at the Corpus Christi facility from approximately 1946 to 1983 in various positions including Assistant Personnel and Safety Director, Personnel and Safety Director, Assistant Plant Manager, and Plant Manager.

K. W. Nelson: Employed by ASARCO from approximately 1945 through 1982 in various positions in the Industrial Hygiene department and Environmental Sciences department.

Donald A. Robbins: Currently employed by ASARCO as the Director of Environmental Services.

John B. Richardson: Employed by ASARCO from approximately 1973 through the present in various positions in the Environmental Sciences department and Technical Services department.

James P. Sieverson: Employed by ASARCO from approximately 1972 through 1990 in various positions in the Environmental Sciences department.

ASARCO's investigation is ongoing, and the right to supplement this response is expressly reserved.

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

1. asbestosis
2. lung cancer
3. mesothelioma

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, ASARCO states that by the 1930's governmental and private industrial hygienists, occupational physicians and sophisticated manufacturing concerns were aware that susceptible persons who are exposed to excessive amounts of asbestos fibers over a prolonged period of time might develop the disease asbestosis. Medical and scientific literature on the potential dangers of asbestos had been published in a variety of medical and scientific periodicals, textbooks and other publications which were readily available to any interested entity or individual. ASARCO is and was aware that by the 1950's contradictory articles on whether there was an association between asbestosis and an increased incidence of lung cancer appeared in the medical literature. Most authors who reported the possibility of such an association recognized that both the methodology of the studies and limited number of cases reported prevented any firm conclusion. Further, many researchers had reported a lack of association between asbestos exposure and lung cancer and asbestosis and lung cancer. Additionally, ASARCO is and was aware that throughout the 1960's new studies regarding the health effects of asbestos inhalation were published. Certain of those studies suggested that persons exposed to asbestos-containing products might have an increased risk of developing lung cancer, mesothelioma and certain gastro-intestinal cancers.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association,

Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

INTERROGATORY NO. 4

Please identify defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response:

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, without time limitation, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a

precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

INTERROGATORY NO. 7

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiffs employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors of Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents to determine each and every instance in which an ASARCO employee had contact with independent contractors hired to perform services at the Corpus Christi facility. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

ASARCO further objects on the grounds that the terms "liaison" and "interface" are vague and ill-defined, and thus not susceptible to a precise response. By way of further objection, this Interrogatory seeks information concerning contractors other than plaintiff's employer.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of

whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which plaintiff was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents to identify each and every employee responsible for safety and medical concerns at the Corpus Christi facility. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

ASARCO further objects to this Interrogatory on the grounds that the term "advisory capacity" is vague and ill-defined, and therefore not susceptible to a precise response. ASARCO objects on the additional basis that this Interrogatory seeks safety and medical information other than that related to asbestos.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents to determine when, how and to whom warnings regarding the safe handling of asbestos were conveyed at the Corpus Christi facility. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

Subject to and without waiving the foregoing objections, it was ASARCO's general policy to provide warnings to its employees who potentially might be over-exposed to asbestos dust. ASARCO reserves its right to supplement this response through the continuing course of discovery.

INTERROGATORY NO. 11:

If Defendant has or had or maintained 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, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, ASARCO has obtained through the ordinary course of its business over the past 50 or more years numerous documents that relate, in whole or in part, to the potentially hazardous nature of asbestos. ASARCO objects on the further grounds that the boundless nature of this Interrogatory would render it exceedingly burdensome, if not impossible, for ASARCO to identify each individual who received, maintained, reviewed, and disseminated the information contained in the materials referenced herein, as well as to specify "how and why" such materials came into ASARCO's possession. ASARCO further objects to the extent that this Interrogatory seeks information regarding ASARCO facilities other than Corpus Christi.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, a precise response to this Interrogatory is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents to determine when and for what purpose ASARCO used asbestos containing products at the Corpus Christi facility, as well as the names and addresses of the suppliers of such products. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, the terms "manufacturing" and "industrial use" as used in this Interrogatory are vague and ill-defined, and thus not susceptible to a precise response.

Subject to and without waiving such objections, at no time did ASARCO use asbestos fibers in its production processes at the Corpus Christi plant.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

As this Interrogatory seeks information regarding ASARCO plants other than that located in Corpus Christi, ASARCO objects the grounds it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which plaintiff allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility.

INTERROGATORY NO. 14

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, plaintiff's failure to identify: i) the the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing

devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Interrogatory seeks information concerning ASARCO plants other than the Corpus Christi facility. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility. ASARCO objects on the additional grounds that this Interrogatory seeks information concerning individuals other than plaintiff.

INTERROGATORY NO. 16:

Please state for each of defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably

calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Interrogatory seeks information concerning locations in the Corpus Christi plant other than that in which plaintiff allegedly worked. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which plaintiff allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Chrisit plant an impossibility. By way of further objection, this Interrogatory is ambiguous and vague in its use of the terms "relevant."

INTERROGATORY NO. 17

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Interrogatory seeks information concerning locations in the Corpus Christi plant other than that in which plaintiff allegedly worked. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, plaintiff's failure to identify: i) the parameters of the "Time Period at Issue"; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Chrisit plant an impossibility. Moreover, ASARCO objects to this Interrogatory to the extent that it seeks information other than that related to inspections regarding asbestos. This Interrogatory is objectionable on the additional grounds that it is ambiguous and vague in its use of the term "relevant."

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.

- c. The name and address of the attorney representing such claimant.

ANSWER:

ASARCO objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Interrogatory seeks information concerning ASARCO plants other than the Corpus Christi facility, and for locations in the Corpus Christi plant other than that in which plaintiff allegedly worked.

Subject to and without waiving the foregoing objections, ASARCO's investigation to date has revealed no such claims. ASARCO reserves its right to supplement its response to this Interrogatory.

INTERROGATORY NO. 19

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of defendant and its ownership, sale, acquisition, or divestiture or any of defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to respond to this Interrogatory. By way of further objection, this Interrogatory improperly seeks a legal conclusion.

INTERROGATORY NO. 20

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within the state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER.

Not applicable.

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, production of relevant documents responsive to this Request is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Request calls for a burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rules of Court.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the production of documents responsive to this Request is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents pertaining to asbestos abatement and transportation of asbestos containing waste. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature..

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. Moreover, ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, ASARCO objects to this Request on the grounds that it seeks information concerning contractors other than plaintiff's employer, as well as information related to locations in the Corpus Christi plant other than that in which plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. Moreover, ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, ASARCO objects to this Request on the grounds that it seeks information concerning individuals unrelated to this lawsuit, as well as information related to locations in the Corpus Christi plant other than that in which plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiffs employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. By way of further objection, this Request is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects to this Request to the extent it seeks information concerning contractors other than those for whom plaintiff allegedly worked, and for locations in the Corpus Christi plant other than that in which plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Objection. Plaintiff's failure to identify his employer and/or the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the production of relevant documents responsive to this Request is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

Subject to and without waiving the foregoing, ASARCO has no responsive documents with respect to the Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility. By way of further objection, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christi plant an impossibility. Without such limitations, this Interrogatory calls for a burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 9:

Please produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises At Issue in the vicinity of asbestos-containing products.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, the production of relevant documents responsive to this Request is rendered impossible due to plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use. Without such limitations, this Interrogatory calls for an excessively burdensome and non-specific

search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christi plant an impossibility. Without such limitations, this Interrogatory calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

ASARCO further objects on the grounds that this Request seeks documentation referring to dust hazards other than that related to asbestos. Defendant also objects to the term "health and safety regulations" as it is vague and ill-defined.

REQUEST FOR PRODUCTION NO. 11:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, please produce any documents, memoranda, or other writings that in anyway reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this

Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility. Without such limitations, this Interrogatory calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Chrisit plant an impossibility. Without such limitations, this Interrogatory calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO further objects on the grounds that this Request seeks documentation referring to dust counts other than those related to asbestos.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to

lead to the discovery of admissible evidence. Specifically, and without limitation, this Request contains no time limitation, and concerns plants other than the Corpus Christi facility. Without such limitations, this Interrogatory calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 14:

Please produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiffs Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

See documents previously produced by ASARCO in *Anzualda v. Owens Corning*, Nueces County, Case No. 98-3444-H and *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338. ASARCO reserves the right to supplement its response to this Request.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

Objection. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he was allegedly exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

See documents previously produced by ASARCO in the matter entitled *Hermosillo v. ASARCO, et. al., El Paso County, No. 98-1338* and *Anzualda v. Owens Corning, et al., Nueces County, Case No. 98-344-H*.

REQUEST FOR PRODUCTION NO. 17:

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

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to delineate the time period during which he allegedly worked at ASARCO renders it impossible for ASARCO to provide a precise response to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. Subject to and without waiving the foregoing objections, ASARCO's document retention program calls for the retention of all asbestos-related documents.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval,

and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects to this Request on the grounds that it is vague, ambiguous and subject to multiple interpretations. By way of further objection, this Request contains no time limitation, and concerns information other than that related to the Corpus Christi facility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO further objects on the basis that this Request calls for information protected by the attorney client and work produce privileges.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

ASARCO objects to this Request on the grounds that it is duplicative, overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request contains no time limitation, and concerns plants other than the Corpus Christi facility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. Subject to and without waiving such objections, see documents previously produced in Subject to and without waiving such objections, see documents previously produced in *Anzualda v. Owens Corning, et al.*, Nueces County, Case No. 98-3444-H and *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, vague and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christi plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request contains no time limitation and concerns ASARCO plants other than Corpus Christi. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO further objects as this Request improperly seeks documents that may not be ascertainable without great difficulty and which are readily obtainable by the plaintiff.

Subject to and without waiving the foregoing objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, vague, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome is without time limitation and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Chrisit plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of plaintiff at anytime during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiffs health.

RESPONSE:

Plaintiff was never employed by ASARCO, therefore no ASARCO employee medical file pertaining to him exists.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

Plaintiff was never employed by ASARCO, therefore no ASARCO work performance and/or personnel records pertaining to him exist.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in anyway the layout of defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; and ii) the locations in the facility in which he worked renders it impossible for ASARCO to provide a precise response to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

ASARCO objects to this Request as violative of the work product doctrine, and otherwise objects to this Request as premature. Subject to and without waiving the foregoing objections, ASARCO reserves the right to amend and supplement this response as discovery continues and as the Texas Rules of Court require.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed replaced, repaired, or manipulated in anyway at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome is without time limitation and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christi plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome, irrelevant and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi facility, those areas in the Corpus Christi facility in which plaintiff allegedly worked, nor to any specific time period.

Subject to and without waiving the foregoing objections, ASARCO's investigation to date has revealed no responsive documents. Within the last few years, however, a number of lawsuits have been filed against various defendants including ASARCO, alleging injury caused by exposure to asbestos occurring at various jobsites, including the Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in anyway discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the basis that it is overly broad, unduly burdensome, irrelevant and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, this Request is limited neither by time period nor to the Corpus Christi plant. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Christit plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

Subject to and without waiving these objections, see documents regarding the hazards or potential hazards of asbestos previously produced by ASARCO in *Hermosillo v. ASARCO, et al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. By way of further objection, this Request is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see documents regarding the hazards or potential hazards of asbestos previously produced by ASARCO in *Hermosillo v. ASARCO, et al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

ASARCO objects to this Request for Production as violative of the work product doctrine, and otherwise objects to this Request as premature. Subject to and without waiving the foregoing objections, ASARCO reserves the right to amend and supplement this response as discovery continues and as the Texas Rules of Court require.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

ASARCO objects to this Request on the basis that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, this Request is limited neither by time period nor to the Corpus Christi plant.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE:

ASARCO objects to this Request on the basis that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without time limitation. Plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in

which he was exposed; and iii) in what capacity and by whom such products were put to use renders a precise response specific to the Corpus Chrisit plant an impossibility. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. Furthermore, this Request is objectionable on the basis that it is not limited to documents concerning asbestos.

REQUEST FOR PRODUCTION NO. 35:

Please produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to identify the time period in which he allegedly worked at the Corpus Christi plant and/or the locations in the plant at which he worked renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. Furthermore, this Request is objectionable on the basis that it is not limited to documents concerning asbestos. By way of further objection, this Request is ambiguous and vague regarding what is meant by "all regulations, orders rules and/or policies."

Subject to and without waiving these objections, see documents regarding OSHA asbestos exposure rules and related matters previously produced by ASARCO in *Hermosillo v. ASARCO*, et al., El Paso County, No. 98-1338 and *Anzualda v. Owens Corning*, Nueces County, Case No. 98-3444-H.

REQUEST FOR PRODUCTION NO. 36:

Please produce all documents which contain complaint by employees of defendant at the Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to identify the time period in which he allegedly worked at the Corpus Christi plant and/or

the locations in the plant at which he worked renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO objects on the additional basis that this Request is not limited to those documents concerning safety and work place conditions regarding asbestos usage.

REQUEST FOR PRODUCTION NO. 37:

Please produce all documents which contain complaints by Union representatives of Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to identify the time period in which he allegedly worked at the Corpus Christi plant and/or the locations in the plant at which he worked renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO objects to this Request on the additional basis that it is not limited to those documents concerning safety and work place conditions regarding asbestos usage.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

ASARCO objects to this Request for Production on the grounds that it overly broad, unduly burdensome and seeks information neither relevant at this time nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this request for production as overly burdensome and seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, ASARCO has operated the Corpus Christi premises since the early 1940's.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. By way of further objection, this Request is vague and ambiguous in its usage of the terminology "dangerous activity or activity." ASARCO further objects on the basis that this Request is overly broad and unduly burdensome to the extent that it is limited neither to the location in the Corpus Christi plant in which plaintiff allegedly worked, nor to those conditions concerning asbestos dust. This Request is further objectionable on the basis that it calls for a legal conclusion. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. Subject to and without waiving any objection, ASARCO has owned the Corpus Christi facility since the early 1940's.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiffs latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, byway of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Objection. Plaintiff's failure to establish that he worked at the Corpus Christi plant renders it impossible for ASARCO to provide a response to this Request.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

RESPONSE:

ASARCO objects to this Request for Production on the grounds that it is overly broad, unduly burdensome, ambiguous, vague and seeks information that is neither

relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to identify the time period in which he allegedly worked at ASARCO renders it impossible for ASARCO to produce relevant documents. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

Objection. Plaintiff's failure to delineate the parameters of the "Time Period at Issue" renders it impossible for ASARCO to produce documents responsive to this Request. By way of further objection, this Request is overly broad and unduly burdensome to the extent that it seeks information concerning locations in the Corpus Christi plant other than that in which plaintiff allegedly worked during the time period in which he worked there. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff's failure to identify the time period during which he allegedly worked at the Corpus Christi plant and/or the location in the Corpus Christi plant in which he allegedly worked renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of defendant's facilities or for sale to others.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, this Request is limited neither to the time period in which plaintiff allegedly worked at ASARCO nor to the Corpus Christi facility. Subject to and without waiving the foregoing objections, ASARCO did not manufacture asbestos-containing products.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of defendant's facilities.

RESPONSE:

ASARCO objects to this Request on the basis that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request seeks information for ASARCO plants other than the Corpus Christi facility and is without limitation as to time or location in the facility in which plaintiff allegedly worked. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that the terms “manipulation,” “handling,” and “industrial processes” are vague and ill-defined. By way of further objection, this Request is overly broad and unduly burdensome to the extent that it is not limited to the location in the plant at which plaintiff allegedly worked nor to the time period during which plaintiff allegedly worked there. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in anyway to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

ASARCO objects to this Request on the basis that it is overly broad, unduly burdensome, and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi plant nor to the time period in which plaintiff allegedly worked there. By way of further objection, the usage of the term “industrial processes” is vague and ill-defined, and thus not subject to a precise response. Subject to and without waiving these objections, ASARCO did not manufacture asbestos-containing products.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the location in the plant in which plaintiff allegedly worked nor to the time period during which plaintiff allegedly worked there. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the location in the Corpus Christi plant in which plaintiff allegedly worked, to the time period during which he allegedly worked there nor to "safety programs" specifically addressed to the handling of asbestos containing products. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. By way of further objection, this Request is vague and ill-defined in the use of the terms "audits" and "some aspect of Defendant's safety program," and thus is not susceptible to a precise response.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither in time, to the Corpus Christi facility nor to asbestos dust. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court. ASARCO further objects on the grounds that this Request is vague and ill-defined in the usage of the terms “safety in the industry,” “audit procedures,” “means to eliminate dust exposure,” and “industrial facilities,” and thus is not susceptible to a precise response.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving such objections, see documents previously produced in *Hermosillo v. ASARCO, et. al.*, El Paso County, No. 98-1338.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiffs employer and from plaintiffs employer to, you during the Time Period At Issue.

RESPONSE:

Plaintiff's failure to identify the time period in which he allegedly worked at ASARCO renders it impossible for ASARCO to produce documents responsive to the Request.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi facility nor to the time period in which plaintiff worked there. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.)

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi facility nor to the time period in which plaintiff allegedly worked there. Moreover, plaintiff's failure to provide such information renders it impossible for ASARCO to produce relevant documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi facility nor to the time period in which plaintiff worked there. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request. Without such limitations, this Request calls for an excessively burdensome and non-specific search of potentially decades worth of documents. Such a fishing expedition is outside the scope of legitimate discovery under the Texas Rule of Court.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is limited neither to the Corpus Christi facility nor to the time period in which plaintiff worked there. Moreover, plaintiff's failure to identify: i) the time period during which he allegedly worked at the Corpus Christi facility; ii) any asbestos-containing products to which he allegedly was exposed at the Corpus Christi facility and/or the locations in the facility in which he was exposed; and iii) in what capacity and by whom such products were put to use renders it impossible for ASARCO to produce relevant documents responsive to this Request.

REQUEST FOR ADMISSION NO. 1:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. By way of further objection, plaintiff has failed to identify either any asbestos-containing products with which he worked or was exposed while at the Corpus Christi facility or the locations in the plant in which such contact occurred. Finally, the term "utilized" is vague and ill-defined and therefore not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Specifically, and without limitation, plaintiff has failed to identify either any asbestos-containing products with which he worked or was exposed while at the Corpus Christi facility or the locations in the plant in which such contact occurred.

Without waiving any objection, ASARCO denies this Request.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection. See Response to Request for Admission No. 2.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR ADMISSION NO. 4:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a

denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection. See Response to the foregoing Request.

REQUEST FOR ADMISSION NO. 5:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked. ASARCO further objects to this Request on the grounds that the term "working with" is vague, ill-defined and therefore not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 6

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked. ASARCO further objects to this Request on the grounds that the term "working with" is vague, ill-defined and therefore not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked. ASARCO further objects to this Request on the grounds that the terminology "was aware of the use of" is vague, ill-defined and therefore not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known

or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR ADMISSION NO. 10

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR ADMISSION NO. 11:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to identify the locations in the plant in which he allegedly worked.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to establish that he worked at the Corpus Christi plant in the 1950's. ASARCO objects to this Request on the further grounds that the term "in use" is vague, ill-defined and is therefore not susceptible to a precise response. Subject to and without waiving the forgoing objections, ASARCO admits that asbestos-containing products were in place at some locations at the Corpus Christi facility in the 1950's, but denies any knowledge that plaintiff was exposed to these products.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to establish that he worked at the Corpus Christi plant in the 1960's. ASARCO objects to this Request on the further grounds that the term "in use" is vague, ill-defined and is therefore not susceptible to a precise response. Subject to and without waiving the forgoing objections, ASARCO admits that asbestos-containing products were in place at some locations at the Corpus Christi facility in the 1960's, but denies any knowledge that plaintiff was exposed to these products.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to establish that he worked at the Corpus Christi plant in the 1970's. ASARCO objects to this Request on the further grounds that the term "in use" is vague, ill-defined and is therefore not susceptible to a precise response. Subject to and without waiving the forgoing objections, ASARCO admits that asbestos-containing products were in place at some locations at the Corpus Christi facility in the 1970's, but denies any knowledge that plaintiff was exposed to these products.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to establish that he worked at the Corpus Christi plant in the 1980's. ASARCO objects to this Request on the further grounds that the term "in use" is vague, ill-defined and is therefore not susceptible to a precise response. Subject to and without waiving the forgoing objections, ASARCO admits that asbestos-containing products were in place at some locations at the Corpus Christi facility in the 1980's, but denies any knowledge that plaintiff was exposed to these products.

REQUEST FOR ADMISSION NO. 16:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, plaintiff has failed to establish that he worked at the Corpus Christi plant in the 1990's. ASARCO objects to this Request on the further grounds that the term "in use" is vague, ill-defined and is therefore not susceptible to a precise response. Subject to and without waiving the forgoing objections, ASARCO admits that asbestos-containing products were in place at some locations at the Corpus Christi facility in the 1990's, but denies any knowledge that plaintiff was exposed to these products.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to plaintiff's employer. ASARCO further objects to this Request on the basis that the terms "health and safety procedures" and "the use of asbestos" are vague, ill-defined and therefore are not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to plaintiff's employer. ASARCO further objects to this Request on the basis that the terms "health and safety procedures" and "the use of asbestos" are vague, ill-defined and therefore are not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known

or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to plaintiff's employer. ASARCO further objects to this Request on the basis that the terms "health and safety meetings" and "the use of asbestos" are vague, ill-defined and therefore are not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to plaintiff's employer. ASARCO further objects to this Request on the basis that the terms "health and safety meetings" and "the use of asbestos" are vague, ill-defined and therefore are not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 21:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Moreover, ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to plaintiff's employer.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection. See Response to Request for Admission No. 20.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to the time period in which plaintiff allegedly worked at the Corpus Christi plant. ASARCO further objects to this Request on the basis that the term "in use" is vague, ill-defined and therefore not susceptible to a precise response. Subject to and without waiving the foregoing objections, ASARCO admits that asbestos is still in place at some locations in the facility, most of which buildings are no longer in use.

REQUEST FOR ADMISSION NO. 23:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, and without limitation, this Request is not limited to the time period in which plaintiff allegedly worked at the Corpus Christi plant. ASARCO further objects to this Request on the basis that the term "in place" is vague, ill-defined and therefore not susceptible to a precise response. Subject to and without waiving the foregoing objections, to the extent that ASARCO understands this Request, it admits that asbestos is still present at some locations in the facility, most of which buildings are no longer in use.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request to Admit on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects to this Request as it is vague, ill-defined and confusing, and thus not susceptible to a precise response. By way of further objection, this Request is not limited to the time period in which plaintiff allegedly worked at the Corpus Christi plant.

REQUEST FOR ADMISSION NO. 25:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

ASARCO objects to this Request to Admit on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects as this Request is unintelligible, and therefore is not susceptible to a precise response. By way of further objection, this Request is not limited to the time period in which plaintiff allegedly worked at the Corpus Christi plant.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 27:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "time period in question." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. By way of further objection, this Request is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limitation, this Request is not limited to the Corpus Christi facility and the location in the Corpus Christi facility in which plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 29:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to delineate the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. By way of further objection, this Request is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limitation, this Request is not limited to the location in the Corpus Christi facility in which plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 30:

Admit that you were aware that business invitees at defendant's Premises At Issue did not understand English.

RESPONSE:

ASARCO objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects to this Request to the extent that it calls for a legal conclusion, as the definition of the term "business invitee" is a matter of law. By way of further objection, this Request is not limited to the time frame in which plaintiff allegedly worked at the Corpus Christi plant.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Objection. ASARCO is unable to either admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. ASARCO further objects to this Request to the extent that it calls for a legal conclusion, as the definition of the term "business invitee" is a matter of law. By way of further objection, this Request is not limited to the time frame in which plaintiff allegedly worked at the Corpus Christi plant, is vague in its use of the term "take any steps to ascertain," and thus is not susceptible to a precise response.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request on the grounds that it is overly broad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, without limitation, this Request is

limited neither to plaintiff and/or the time in which plaintiff allegedly worked at the Corpus Christi facility. ASARCO further objects to this Request on the basis that the term "safety orientations" is vague and ill-defined, and otherwise not limited to concerns regarding asbestos exposure.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not to provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Objection. See Response to Request for Admission No. 31.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to identify the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to identify the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with plaintiffs employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to identify the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiffs employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired or contracted with Plaintiffs employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to identify the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 39:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Objection. ASARCO is unable to either admit or deny this Request due to plaintiff's failure to identify the parameters of the "Time Period at Issue." ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 40:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning the work to be performed on defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request in its usage of the term "instructed" as it is vague and ill-defined, and thus not subject to a precise response. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 42:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request in its usage of the term "performed" as it is vague and ill-defined, and thus not subject to a precise response. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 43:

Admit that you showed Plaintiffs employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request in its usage of the term "showed" as it is vague and ill-defined, and thus not subject to a precise response. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiffs employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO further objects to this Request in its usage of the terms "indicated" and "performed" as they are vague and ill-defined, and thus not subject to a precise response. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR PRODUCTION NO. 65

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection. See Response to Request for Admission No. 43.

REQUEST FOR ADMISSION NO. 45:

Admit that your specifications indicated to Plaintiffs employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Objection. See Response to Request for Admission No. 44.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiffs employer or supervisor when to start work.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer what materials to use when doing the work.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 50:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over

either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to correct the work performed by the employees of plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 53:

Admit that you had the power to stop the work performed by the employees of plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 54:

Admit that you observed the work performed by the employees of plaintiffs employer on defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 55:

Admit that you inspected the work performed by the employees of plaintiffs employer on defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is further unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 56:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

REQUEST FOR ADMISSION NO. 57:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiffs employer on Defendant's Premises At Issue.

RESPONSE:

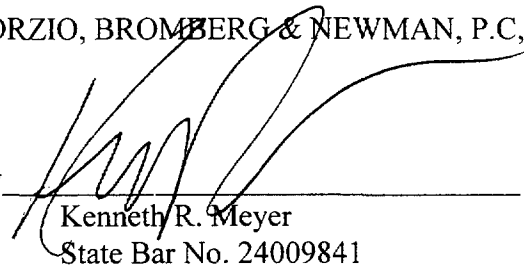
Objection. ASARCO is unable to admit or deny because after reasonable inquiry the information known or easily obtainable is insufficient to enable the responding party to admit or deny. ASARCO denies, however, that it exercised the degree of control over either plaintiff or plaintiff's employer necessary to render ASARCO liable for plaintiff's alleged asbestos-related injury.

Date 8/28/01

Respectfully submitted,

PORZIO, BROMBERG & NEWMAN, P.C.

By



Kenneth R. Meyer
State Bar No. 24009841

100 Southgate Parkway
Morristown, New Jersey 07962-1997
Telephone: (973) 538-4006
Telecopier: (973) 538-5146

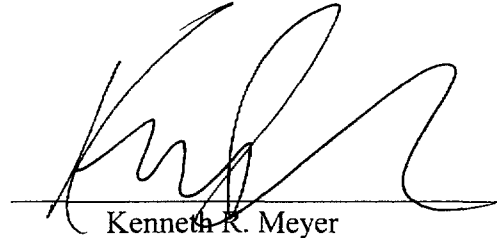
Respectfully submitted,

Samuel E. Stubbs
Fulbright & Jaworski, L.L.P.
State Bar No. 19434500
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151
(713) 651-5246 FAX

ATTORNEYS FOR DEFENDANT
ASARCO, INCORPORATED f/k/a
AMERICAN SMELTING AND
REFINING COMPANY

CERTIFICATE OF SERVICE

This document was served on counsel for plaintiffs via facsimile and Federal Express on August 28, 2001.

A handwritten signature in black ink, appearing to read 'K. Meyer', is written over a horizontal line.

Kenneth R. Meyer
State Bar No. 24009841
100 Southgate Parkway
Morristown, New Jersey 07962-1997
Telephone: (973) 538-4006
Telecopier: (973) 538-5146

NO. 90G2055

WELDON R. MOAKE; ET AL.,

Plaintiffs,

vs.

AcandS, INC., ET AL.,

Defendants.

IN THE DISTRICT COURT

BRAZORIA COUNTY, TEXAS

239TH JUDICIAL DISTRICT

VERIFICATION OF KEVIN McCaffrey

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

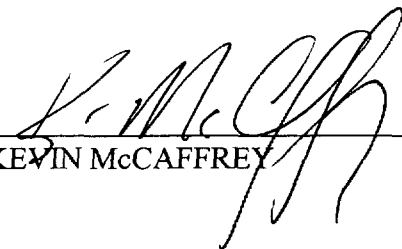
KEVIN McCaffrey being duly sworn, depose and say:

1. I am the Senior Associate General Counsel of Defendant, ASARCO Incorporated, formerly known as, American Smelting and Refining Company.

2. I have read the foregoing Answers to Plaintiff's First Set of Interrogatories, know the contents thereof, and verify the same to be true upon information and belief.

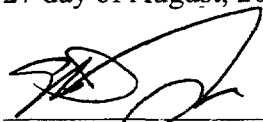
3. The bases of my knowledge, information and belief are memoranda, investigations, reports and records contained in the file of this case maintained in the regular

course of business of the corporation and that of the corporation's attorneys, as well as advice provided from the corporation's attorneys in this action.



KEVIN McCaffrey

Sworn to before me this
27 day of August, 2001



Notary Public

MATHEW D. LASKOWSKI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 25, 2004
I.D. # 2225866