

CAUSE NO. 00-02721-00-0-H

GONSALO CARILLO, et al.	§	IN THE DISTRICT COURT
	§	
VS.	§	105th JUDICIAL DISTRICT
	§	
GAF CORPORATION (successor to	§	
Rubberoid Corporation), et al.	§	NUECES COUNTY, TEXAS

**SOUTHWESTERN REFINING COMPANY, INC.'S
DESIGNATION OF EXPERT WITNESSES**

NOW COMES, Defendant, SOUTHWESTERN REFINING COMPANY, INC. and files this
its Designation of Expert Witnesses.

1.

Defendant designates the following individuals as testifying experts:

1. Birkner, Lawrence W., CIH, CSP
McIntyre, Birkner & Associates
2026 El Monte Drive
Thousand Oaks, California 91362-1822
(805) 494-8173

Mr. Birkner is a certified industrial hygienist and safety professional, and may provide testimony regarding the history and state of the art of industrial hygiene as it relates to asbestos and asbestos containing products; the use of and alternatives to asbestos containing products; methods and levels of asbestos exposure and the epidemiology of diseases associated with such exposure; a retrospective assessment or estimate of Plaintiffs' exposure to asbestos in his work environment based on historical literature and the facts available in this case; the applicability of the ACGIH, OSHA and EPA guidelines as they related to occupational exposures to various types of asbestos-containing products; and that certain Defendants' and/or non-parties' approach to the handling and control of any asbestos-containing materials on its premises were reasonable in light of available information and industrial hygiene practices at different points in time. He may also testify as to any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

2. Balzer, J. LeRoy, Ph.D.
408 Horse Trail Court
Alamo, California 94507
(925) 274-0826

Mr. Balzer is the Assistant Vice Chancellor at University of California Health Sciences Campus, and may testify regarding industry practice and standards, the state of the art of industrial hygiene, the state of knowledge regarding exposure to asbestos and effects thereof at relevant times and reasonableness of reliance upon established and safe levels of exposure to asbestos. He may also testify as to any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

3. Clark, Roger A.
P.O. Box 271282
Corpus Christi, Texas 78427-1282
(361) 814-8292

Mr. Clark is a former employee of Southwestern Refining Company, Inc. ("Southwestern") and worked at the refinery from 1977 until the sale of the refinery in 1995. During these years, Mr. Clark was employed in the Environmental and Regulatory Compliance Division of Southwestern and as such was involved in the development of and compliance with Southwestern's programs, policies and procedures regarding asbestos waste and in Southwestern's adherence to applicable and guiding rules, regulations and standards relating to same. Mr. Clark, in addition to offering factual testimony, may offer specialized, expert or opinion testimony based on his experience, background and training in the field regarding the reasonableness of Southwestern's conduct as to the premises. He may also testify as to any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

4. Craighead, John E., M.D.
Chairman
Department of Pathology
A249 Given Medical Building
University of Vermont College of Medicine
Burlington, Vermont 05401
(802) 425-3480
and/or
John E. Craighead, M.D.
1845 Four Winds Road
Ferrisburgh, Vermont 05406
(802) 425-3480

Dr. Craighead is Chairman of the Department of Pathology at the University of Vermont College of Medicine, and may testify as to the history of asbestos utilization

in this country for industrial purposes and relate, in general, the developing concepts regarding its potential role in the causation of disease; general and asbestos-related pulmonary pathology and epidemiology relevant thereto; cancer issues, including the risk of cancer, carcinogenicity of worksites and environmental chemicals and substances and epidemiology; his examination of Plaintiffs' medical records and pathology materials; the medical condition of Plaintiffs; and the relationship, if any, of such conditions to Plaintiffs' alleged exposure to asbestos and other substances. He may also testify as to any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

5. Dyson, William, Ph.D.
1022 Jefferson Rd
Greensboro, North Carolina 27410
(336) 855-7308

Dr. Dyson is an industrial hygienist and may give testimony regarding industry practices and standards, the state of the art of industrial hygiene, the state of knowledge regarding exposure to asbestos, the effects thereof at relevant times, and reasonableness of reliance upon established and safe levels of exposure to asbestos. He may also testify regarding any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

6. Knorpp, James T.
Knorpp Safety Services
2149 Misty's Run
Keller, Texas 76248
(817) 379-0840

Mr. Knorpp is a professional engineer, and may testify concerning OSHA's requirements and that those requirements are the responsibility of the employer to protect the worker. He may also testify regarding any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

7. Pendergrass, John, CIH, CSP, PE
6700 Milkhouse Court
Mobile, AL 36695

Mr. Pendergrass is a certified industrial hygienist and may give testimony regarding industry practices and standards, the state of the art of industrial hygiene, the state of knowledge regarding exposure to asbestos, the effects thereof at relevant times, and reasonableness of reliance upon established and safe levels of exposure to asbestos. He may also testify regarding any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

8. Tom Sands
6945 Aswan Drive
Corpus Christi, Texas 78412
(361) 991-4701
or
c/o Koch Refining Company
P.O. Box 2608
Corpus Christi, Texas 78403
(361) 242-5380

Mr. Sands is a former employee of Southwestern, and is now employed by Koch Refining Company in Corpus Christi, Texas. Mr. Sands worked at the refinery beginning in approximately 1980 and up until the sale of the refinery in 1995. Mr. Sands was employed in the maintenance division of the refinery as Maintenance Manager, as Operations Manager and ultimately as Refinery Manager. In his positions at Southwestern, Mr. Sands was involved in the development of and compliance with Southwestern's programs, policies and procedures regarding asbestos and in Southwestern's adherence to applicable and guiding rules, regulations and standards relating to asbestos removal, abatement, disposal and/or monitoring. Mr. Sands, in addition to offering factual testimony, may offer specialized, expert or opinion testimony based on this experience, background and training in the field regarding the reasonableness of Southwestern's conduct as to the premises. He may also testify regarding any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

9. Dr. J. Robert Shepherd
3505 Lakemont
Tyler, Texas 75707
(903) 877-7100

Dr. Shepherd may provide testimony regarding his review of Plaintiffs' medical records, x-rays, and reports and supplemental reports of Plaintiffs' experts; the criteria used to diagnose asbestos-related diseases, his opinions as to whether Plaintiffs suffer from asbestos-related diseases, Plaintiffs' medical conditions and Plaintiffs' prognosis; and general medical issues with emphasis on the respiratory system and the effect of asbestos and other substances on human health generally, and with respect to Plaintiffs specifically. He may also testify regarding any matter raised by experts called by Plaintiffs or any co-Defendant in this cause.

II.

Plaintiffs, Gonsalo Carillo's and Luis Vera's treating physicians have not been retained as expert witnesses by this Defendant, but are physicians who have treated the Plaintiffs and who may

be called to testify at the time of trial about their care and treatment of the Plaintiffs and diagnoses and prognoses of the Plaintiffs. Defendant reserves the right to call any treating physician who may be named by the Plaintiffs in response to discovery responses or witness designations, as well as the custodians of records for each such physician. Defendant hereby incorporates the list of treating physicians identified by the Plaintiffs in response to the Defendants' discovery requests and/or master discovery responses. These treating physicians include, but are not limited to:

1. Espelza, Dr. Sandra
 2606 Hospital Blvd.
 Corpus Christi, TX 78405
 Plaintiff, Gonsalo Carillo's health care provider.
2. Garcia, Dr. Pete
 Medical Tower
 Corpus Christi, TX
 Plaintiff, Luis Vera's health care provider.
3. Garcia, Dr. Hector
 2606 Hospital Blvd.
 Corpus Christi, TX 78405
 Plaintiff, Gonsalo Carillo's health care provider.
4. Gray, Dr. David
 7121 S. Padre Island Dr.
 No. 102
 Corpus Christi, TX
 Plaintiff, Luis Vera's health care provider.
5. Kingsville Medical Center
 227 West Kleberg Avenue
 Kingsville, TX
 Plaintiff, Luis Vera's health care provider.

6. Petroff, Peter A., M.D.
Independent Medical Associates, P.A.
Santa Rosa Northwest Tower, II
2833 Babcock Road, Suite 435
San Antonio, Texas 78229
210/614-5855
Plaintiffs, Gonsalo Carillo's and Luis Vers's health care provider.
7. Sosa, Dr. Gilberto
605 East Caesar Avenue
Kingsville, TX
Plaintiff, Luis Vera's health care provider.
8. Spohn Health Systems
605 East Caesar Avenue
Kingsville, TX
Plaintiff, Luis Vera's health care provider.
9. Spohn Memorial Hospital
2606 Hospital Blvd.
Corpus Christi, TX 78405
Plaintiff, Gonsalo Carillo's health care provider.
10. Tavares, Dr. Sergio
613 Elizabeth St., No. 302
Corpus Christi, TX
Plaintiff, Luis Vera's health care provider.
11. Turner, Dr. Stephen
613 Elizabeth St.
No. 402
Corpus Christi, TX
Plaintiff, Luis Vera's health care provider.

III.

Defendant reserves the right to amend and/or supplement this designation in the event that Plaintiffs' medical records, Plaintiffs' supplemental interrogatory answers, depositions, or other discovery disclose additional expert witnesses.

IV.

Defendant reserves the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by other parties to this case. Defendant expresses its intention to possibly call, as witnesses associated with adverse parties, any of the Plaintiffs' experts designated in this case.

V.

Defendant hereby designates, as adverse parties, potential adverse parties, and/or as expert witnesses associated with adverse parties, all parties to this suit and all expert witnesses designated by any party to this suit, even if the designated party is not a party to this suit at the time of trial. In the event a present or future party designates any expert witnesses but then is dismissed for any reason from this cause or fails to call any designated expert witness, Defendant reserves the right to designate and/or call any such party or expert witness, previously designated by any party.

VI.

Defendant reserves the right to call undesignated rebuttal expert witnesses whose testimony cannot reasonably be foreseen until the presentation of the evidence against Defendant.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.

800 One Alamo Center

106 S. St. Mary's Street

San Antonio, Texas 78205

Telephone: (210) 226-1166

Facsimile: (210) 226-1133



Richard C. Danysh
State Bar No. 05377700
Christopher C. Rulon
State Bar No. 00791580

ATTORNEYS FOR DEFENDANT,
SOUTHWESTERN REFINING COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2001, a true and correct copy of the foregoing has been mailed by certified mail, return receipt requested, to:

Ms. Jennyfer B. Gray
Baron & Budd
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

and by regular mail to all other parties on the attached service list.



Richard C. Danysh

Contact	Address 1	City	Title	Company	State	Zip	ID/Status
Ms. Patricia Kelly	222 East Van Buren, West Tower	Harlingen		Adams & Graham, L.L.P.	TX	78550	Defendant Counsel
Mr. Thomas W. Taylor	4200 Chase Tower	Houston		Andrews & Kurth, L.L.P.	TX	77002	Defendant Counsel
Ms. Holly J.W. Huart	The Centrum, Suite 1100	Dallas	Attorney	Baron & Budd	TX	75219	Plaintiff Counsel
Mr. Thomas Dougall	8910 Two Notch Road, Suite 400	Columbia		Bowers, Orr & Robertson	SC	28224	Defendant Counsel
Mr. Tom Nye	1202 Third Street	Corpus Christi		Brin & Brin, P.C.	TX	78404	Defendant Counsel
Mr. Todd N. Wade	111 Congress Avenue, Suite 1400	Austin		Brown McCarroll & Oaks Hartling	TX	78701-4043	Defendant Counsel
Mr. John T. Ward	1300 Wortham Tower	Houston		Brown McCarroll & Oaks Hartling	TX	77019-2100	Defendant Counsel
Mr. R. Clay Hoblit	2000 Frost Bank Plaza	Corpus Christi		Chaves, Gorzales & Hoblit, L.L.P.	TX	78470	Defendant Counsel
Mr. James M. Riley, Jr.	800 First City Tower	Houston		Coats, Rose, Yale, Ryman & Leff	TX	77002-6707	Defendant Counsel
Mr. Lewis C. Millenberger	One Century Plaza, Suite 500	Fort Worth		Cordray, Goodrich & Mittenberg	TX	76102	Defendant Counsel
Mr. Frank Harmon	3300 Two Houston Center	Houston		Crain, Caton & James	TX	77010	Defendant Counsel
Mr. Franklin A. Poff, Jr.	2301 Moores Lane	Texarkana		Crisp, Boyd & Poff, L.L.P.	TX	75505-6297	Defendant Counsel
Mr. Mel D. Bailey	3500 NationsBank Plaza	Dallas		DeHay & Elliston, L.L.P.	TX	75202-3736	Defendant Counsel
Mr. Gary D. Elliston	3500 NationsBank Plaza	Dallas		DeHay & Elliston, L.L.P.	TX	75202-3736	Defendant Counsel
Mr. Jerry Kacal	2600 America Tower	Houston		Dunn, Kacal, Adams, Pappas & TX	TX	77019	Defendant Counsel
Mr. W. Miller Thomas	413 Shelbyville Street	Center		Fairchild Price Thomas Haley & TX	TX	75835-1336	Defendant Counsel
Mr. R. Mark Willingham	The Lyric Centre	Houston		Fairchild Price Thomas Haley & TX	TX	77002	Defendant Counsel
Mr. Robert Bass	1349 Empire Central, #400	Dallas		Forman, Perry, Watson, Krutz & TX	TX	75247	Defendant Counsel
Mr. James M. Harris, Jr.	550 Fannin Street, Suite 8500	Beaumont		Harris, Lively & Duesler, L.L.P.	TX	77704	Defendant Counsel
Mr. Taylor M. Hicks, Jr.	700 Louisiana, Suite 1700	Houston		Hicks Thomas & Llenstern, L.L.P.	TX	77002	Defendant Counsel
Mr. Ned Johnson	4800 Woodway, Suite 1100	Houston		Johnson, Ferguson & Pipkin	TX	77056	Defendant Counsel
Mr. David A. Livingston	Paragon Center One	Houston		Livingston & Miller	TX	77067	Defendant Counsel
Mr. John L. Hill, Jr.	3400 Chase Tower	Houston		Locke Liddell & Sapp L.L.P.	TX	77002	Defendant Counsel
Mr. Oscar Soliz	901 Leopard Street	Corpus Christi	District Clerk	Nueces County District Clerk	TX	78401	District Clerk
Mr. Philip Warner	1300 Post Oak Boulevard, Suite 2225	Houston		Werner & Kerrigan	TX	77056	Defendant Counsel
Mr. Anthony E. Pletcher	600 Leopard Street, Suite 2100	Corpus Christi		White, Huseman & Pletcher	TX	78403-2707	Defendant Counsel

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GONSALO CARILLO, et al.

VS.

GAF CORPORATION (successor to
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§
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IN THE DISTRICT COURT

105th JUDICIAL DISTRICT

NUECES COUNTY, TEXAS

**SOUTHWESTERN REFINING COMPANY, INC.'S
CERTIFICATE OF WRITTEN DISCOVERY**

I hereby certify that a true and correct copy of the following instrument was forwarded to all other known parties of interest on March 21, 20001 by certified mail, return receipt requested or by regular mail.

1. SOUTHWESTERN REFINING COMPANY, INC.'S DESIGNATION OF EXPERT WITNESSES.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.

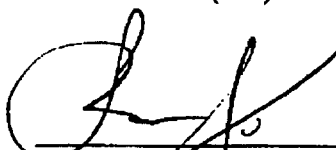
800 One Alamo Center

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Richard C. Danysh

State Bar No. 05377700

Christopher C. Rulon

State Bar No. 00791580

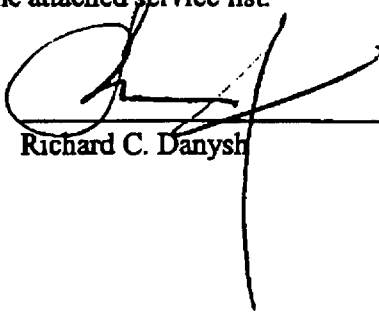
**ATTORNEYS FOR DEFENDANT,
SOUTHWESTERN REFINING COMPANY, INC.**

CERTIFICATE OF SERVICE

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Ms. Jennyfer B. Gray
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and by regular mail to all other parties on the attached service list.



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