

NO. 2000-2113

|                         |   |                       |
|-------------------------|---|-----------------------|
| PABLO AGUILERA, ET AL.  | § | IN THE COUNTY COURT   |
|                         | § |                       |
| VS.                     | § | AT LAW NO. 3          |
|                         | § |                       |
| GAF CORPORATION, ET AL. | § | EL PASO COUNTY, TEXAS |

**DEFENDANT TEXACO INC.'S OBJECTIONS AND  
AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES,  
FIRST REQUEST FOR PRODUCTION, AND FIRST REQUEST FOR ADMISSIONS  
SUBJECT TO MOTION TO TRANSFER VENUE**

TO: Plaintiff, Manuel Macias, by and through his attorneys of record, Holly J. Huart and Stephanie Finch of Baron & Budd, 3102 Oak Lawn Avenue, Dallas, Texas 75219-4281

Pursuant to TEXAS RULES OF CIVIL PROCEDURE Defendant TEXACO INC. (hereinafter "Defendant") serves the following Objections and Responses to Plaintiff's Interrogatories, Requests for Production, and Requests for Admission.

Respectfully submitted,

**HAYS, McCONN, RICE & PICKERING**

*A Professional Corporation*

By: \_\_\_\_\_

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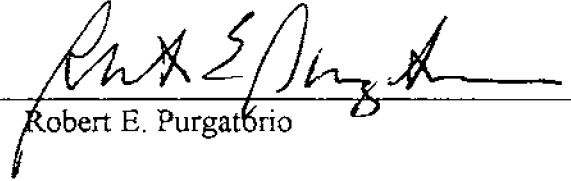
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Attorneys for Defendant TEXACO INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record by certified mail, return receipt requested, by facsimile transmission, by regular U.S. Mail and/or hand delivery on this 29<sup>th</sup> day of NOVEMBER, 2000.

  
\_\_\_\_\_  
Robert E. Purgatorio

### **OBJECTIONS TO DEFINITIONS**

Defendant objects to the stated definition of the terms "Defendant," "You," "Your" and "Your Company" on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries, affiliates, and other separately incorporated non-parties thus rendering the Plaintiff's stated definitions overly broad, unspecific, vague and improper, and the definition seeks response greater than those called for pursuant to the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms "Document," "Documents," "Written Materials" and "Printed Materials" on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production "regardless of who now has or formerly had custody, possession or control" on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms "Meeting" or "Meetings" on the grounds it is so overly broad and vague and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms "products containing asbestos fiber," "asbestos containing products" and "asbestos products" on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objects to the definition of "identify" with regard to a document as overly broad and requiring more than the Rules of Procedure require.

Defendant objects to the definition of "workers" to include any employee of Defendant or employee of a contractor as being overly broad.

Defendant objects to the term "abate" or "abatement" as overly broad as defined.

Defendant objects to the "years at issue" definition as overly broad since there is no evidence the Plaintiff was on Defendant's premises from 1963 to 1977.

#### **Preliminary Statement**

This Defendant has seen no evidence that Plaintiff Manuel Macias ever worked at one of its facilities. Assuming Mr. Macias worked at its former refinery in El Paso, Texas, Texaco Inc. would show that since the sale of that refinery in May, 1986, this Defendant does not have in its possession, records relating to that refinery.

#### **INTERROGATORY NO. 1:**

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

#### **ANSWER:**

Defendant objects to this interrogatory as overly broad and seeking information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, Defendant Texaco Inc. is a corporation and therefore the information necessary to answer these interrogatories came from a variety of sources and/or documentation, which has been assembled with the assistance and advice of counsel.

#### **REQUEST FOR ADMISSION NO. 1**

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

**RESPONSE:**

Defendant objects to this Request because the same is vague and overly broad as it is unlimited as to time and location. Subject to the foregoing objections and without waiving same, Defendant admits that Defendant acquired asbestos-containing products during certain time periods.

**REQUEST FOR PRODUCTION NO. 1:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 2:**

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

**RESPONSE:**

See objection to "years at issue". Subject to said objection, Defendant admits that asbestos containing products were used on Defendant's premises during certain time periods.

**INTERROGATORY NO. 2:**

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

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

**ANSWER:**

Defendant objects to this interrogatory on the grounds it is overly broad, unspecific, vague, and not limited to the time period relevant in this case or the Plaintiff's employers. Subject to the foregoing objection, Defendant is unable to list all asbestos containing products used at Defendant's refineries. Generally, asbestos containing products were used for insulation, packing, gasketing, and related uses. These products were installed throughout the refinery as needed.

Defendant is unable to specify all persons or contractors who installed the products nor is Defendant able to specify from whom each product was purchased, to the extent this Defendant may have purchased the product. In the early 1970's asbestos containing insulation products were no longer purchased and other products such as gaskets were phased out as substitute products became practicable. Assuming this request seeks documents relating to its former El Paso, Texas Refinery, Texaco Inc. would respond by stating that it sold that facility in May, 1986. Accordingly, refinery documents responsive to this request would be in the possession of the current owner of that refinery. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 2:**

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

**RESPONSE:**

Defendant objects to this Request as overly broad as it is not limited in time or scope. Subject thereto, the facility identified by Plaintiff Macias, located in El Paso, Texas, was sold by this Defendant in May, 1986. Accordingly, any such relevant documents responsive to this request would likely be in the possession of the current owner of the subject refinery and not in the possession of this Defendant.

**REQUEST FOR ADMISSION NO. 3:**

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

**RESPONSE:**

Defendant cannot admit or deny if the Plaintiff was working on Defendant's premises. Generally, Defendant admits that it was foreseeable asbestos containing products may on occasion be removed and replaced.

**INTERROGATORY NO. 3:**

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

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

**ANSWER:**

See objection to the definition of "abated" herein above. Defendant further objects to this interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case and, therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Plaintiff was not involved with asbestos abatement, and this interrogatory is also not relevant for that reason.

**REQUEST FOR PRODUCTION NO. 3:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time period relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because the Plaintiff was never involved in abatement activities and, thus, this Request is not relevant.

**REQUEST FOR ADMISSION NO. 4:**

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

**RESPONSE:**

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

**REQUEST FOR PRODUCTION NO. 4:**

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

**RESPONSE:**

At this time Defendant is unaware of any documents confirming or denying that the Plaintiff worked on its premises.

**REQUEST FOR PRODUCTION NO. 5:**

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

**RESPONSE:**

At this time Defendant is unaware of any documents confirming or denying that the Plaintiff worked on its premises.

**REQUEST FOR PRODUCTION NO. 6:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, lacks specificity, is unduly burdensome, and is not properly limited in time to a time when the Plaintiff is alleged to have worked on its premises. Further, the Request is not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 7:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, lacks specificity, is unduly burdensome, and is not properly limited in time to a time when the Plaintiff is alleged to have worked on its premises, and in fact Plaintiff has made no identification of work at Defendant's premises in his work history produced. Further, the Request is not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 4:**

Identify the contractors who worked on your premises during the years at issue, and for each, state:

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

**ANSWER:**

Defendant objects to this Interrogatory because it is overly broad, lacks specificity, is unduly burdensome, and is not properly limited in time to a time when the Plaintiff is alleged to have worked on its premises, and in fact Plaintiff has made no identification of work at Defendant's premises in his work history produced. Further, the Interrogatory is not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 8:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the contractors at the time period when and for whom the Plaintiff allegedly worked, nor is it limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 5:**

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

**ANSWER:**

Defendant objects to this Interrogatory because it is overly broad, lacks specificity and is unduly burdensome. Further, the Interrogatory is not limited to the contractors at the time period when and for whom the Plaintiff allegedly worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR ADMISSION NO. 5:**

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

**RESPONSE:**

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this request.

**REQUEST FOR PRODUCTION NO. 9:**

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

**RESPONSE:**

Not applicable.

**INTERROGATORY NO. 6:**

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

**ANSWER:**

Defendant objects to interrogatory No. 6 because it assumes that the Plaintiff worked at the Defendant's premises, which is unknown to this Defendant. Defendant further objects because the request is overly broad and vague since all members of urban society are exposed to asbestos in the ambient air. Subject thereto, Defendant is unable to state whether or not the Plaintiff worked at Defendant's premises, but Defendant denies that exposure, if any, was a cause of any alleged disease of the Plaintiff.

**REQUEST FOR ADMISSION NO. 6:**

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

**RESPONSE:**

Denied.

**REQUEST FOR PRODUCTION NO. 10:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR ADMISSION NO. 7:**

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

**RESPONSE:**

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this request.

**REQUEST FOR ADMISSION NO. 8:**

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

**RESPONSE:**

Defendant objects to this request as the same is overly broad, unspecific, vague and ambiguous and assumes that the Plaintiff worked at Defendant's premises. Subject thereto, Defendant denies that breathing low levels of asbestos dust was considered as a hazard during the time period Plaintiff allegedly worked at Defendant's premises.

**REQUEST FOR PRODUCTION NO. 11:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR ADMISSION NO. 9:**

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

**RESPONSE:**

Defendant cannot admit or deny whether Plaintiff worked on Defendant's premises. Defendant admits that it has been aware of the use of asbestos containing products on Defendant's premises during certain time periods.

**REQUEST FOR PRODUCTION NO. 12:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague and ambiguous, and not limited to the facilities where Plaintiff claims exposure, nor is it limited to the relevant time periods. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**INTERROGATORY NO. 7:**

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

**ANSWER:**

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, not limited to the matter made the basis of this suit, specifically, asbestos-containing thermal insulation products.

Subject to the foregoing objections, Defendant states that it was the responsibility of the Plaintiff's employer to protect the Plaintiff from excessive exposure to asbestos consistent with the knowledge and judgment as it may have existed from time to time concerning the hazards of asbestos. Further, assuming this inquiry is limited to the El Paso, Texas refinery previously owned by Texaco Inc. and sold in May, 1986, this Defendant would point out that any otherwise relevant documents would be in the possession of the current owner of that refinery.

**REQUEST FOR PRODUCTION NO. 13:**

Produce all such warnings.

**RESPONSE:**

Plaintiffs are referred to this Defendant's response to Interrogatory No. 7.

**REQUEST FOR ADMISSION NO. 10:**

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

**RESPONSE:**

Defendant objects to this Request as overly broad, vague and ambiguous, and because the same seeks documents not relevant to the inquiries herein. Defendant cannot admit or deny whether the Plaintiff worked on Defendant's Premises or when he may have worked on Defendant's Premises. Accordingly, after reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

**REQUEST FOR PRODUCTION NO. 14:**

If you deny the foregoing, produce all such warnings.

**RESPONSE:**

Defendant objects to this Request for the reasons as stated in the Response to Request for Admission No. 10. Further, Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition."

Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, the facility identified by Plaintiff Macias, located in El Paso, Texas, was sold by this Defendant in May, 1986. Accordingly, any such relevant documents responsive to this request would likely be in the possession of the current owner of the subject refinery and not in the possession of this Defendant.

**INTERROGATORY NO. 8:**

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

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

**ANSWER:**

Defendant objects to this Interrogatory as the same is overly broad, lacking specificity, and is not limited to any time frame which is relevant to the issues which may be involved in this suit, nor to any specific premises of this Defendant. Subject to the foregoing objections, Defendant states that according to documents located to date, Defendant provided information to its employees concerning respiratory protection for asbestos dust since at least 1949 at its Port Arthur, Texas Refinery. Over time additional information has been provided as the knowledge of the potential hazards of asbestos exposure has changed. Texaco Inc. may have in its possession certain documents which contain information responsive to this Interrogatory. Although as stated previously herein, Texaco Inc. no longer owns the El Paso Refinery and no longer has access to those plant records, Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 15:**

Produce all such safety policies.

**RESPONSE:**

Defendant objects to this Request on the same basis as stated in answer to Interrogatory No. 8. Defendant further objects to this Request because it lacks specificity and amounts to a "fishing expedition". Defendant further objects as this is a Request that Defendant marshals its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained

from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 11:**

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

**RESPONSE:**

Defendant objects to this request as overly broad and vague in that it assumes that every employee, regardless of exposure potential, was required to be warned. Subject thereto, denied.

**INTERROGATORY NO. 9:**

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

**ANSWER:**

Defendant objects to Interrogatory No. 9 because the same is overly broad, vague, ambiguous, unlimited in time and unspecific. Subject thereto, Defendant hired contractors who were experts in their crafts and who were required to follow applicable guidelines concerning exposure to potentially toxic materials including asbestos.

**INTERROGATORY NO. 10:**

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

**ANSWER:**

Defendant objects to this Interrogatory because it assumes that the Plaintiff may have been working in the vicinity of this Defendant's employees while Defendant's employees may have been using asbestos, which is denied. Defendant further objects to this Interrogatory because the same is overly broad, vague, ambiguous and lacking in specificity and not limited to the time period nor to a location at which the Plaintiff may have alleged to have worked on a premises of Texaco Inc.. Subject to the foregoing objections, Defendant states that Defendant's safety precautions relating to asbestos may be derived or ascertained from this Defendant's business records and pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**INTERROGATORY NO. 11:**

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

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

**ANSWER:**

Defendant objects to this interrogatory on the grounds it is overly broad, unspecific, vague and not limited to the time period relevant in this case nor is it limited to safety equipment relating to asbestos containing products and, therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR ADMISSION NO 12:**

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

**RESPONSE:**

Defendant objects to this Request because the same is overly broad, lacks specificity and the same is not limited to the time period relevant to this case. Subject thereto, Defendant is unable to admit or deny as stated. The policy was that the independent contractors were required to provide their own safety equipment to their employees including respiratory protection.

**INTERROGATORY NO. 12:**

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

**ANSWER:**

Defendant objects to this interrogatory on the grounds that it is overly broad, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff might

have worked, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Texaco Inc. sold its El Paso Refinery in May, 1986 and no longer has access to those plant records. However, according to Texaco Inc.'s existing records relating to its Port Arthur Texas refinery, the standard NIOSH testing method was employed by Texaco Inc. to test for asbestos levels in the air. Existing records indicate these methods were used at least by 1972. Monitoring was probably conducted at earlier dates. Texaco Inc. may have in its possession certain documents which contain information responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**INTERROGATORY NO. 13:**

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

**ANSWER:**

Defendant objects to this Interrogatory on the basis that the same is overly broad, vague, ambiguous and lacking in specificity. Further there is no showing that the time period of which inquiry is made is relevant to any issue in this case nor is it limited to any premises which might be relevant to this case. Subject thereto, Defendant would show that its El Paso, Texas Refinery was sold in May, 1986 thus it is not in possession of any documents regarding monitoring at that facility.

**INTERROGATORY NO. 14:**

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the data and results of each inspection, and state whether a written report was generated.

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Further Defendant objects to this Interrogatory because the same is overly broad, vague, ambiguous and lacking specificity. The Interrogatory as stated is unlimited in time and therefore not relevant to any inquiry in this suit or likely to lead to the discovery of admissible evidence. Further, the Interrogatory is overly broad and vague insofar as any undefined "regulatory agency or other governing body". To the extent this

Interrogatory is meant to include any premises other than one where the Plaintiff may have allegedly worked, Defendant also objects as being overly broad and seeking information not relevant to any injury in this suit.

**REQUEST FOR ADMISSION NO. 13:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 16:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 14:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 17:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 15:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 18:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 16:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 19:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further

objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 17:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 20:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states

that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 18:**

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

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and ambiguous and lacks specificity. Defendant specifically objects to the term "evacuate the premises" as vague and ambiguous. Defendant further objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 21:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Lofstin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**INTERROGATORY NO. 15:**

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Defendant Texaco Inc. objects to this interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, not limited to the matters made the basis of this lawsuit, specifically, asbestos-containing thermal insulation products, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to objections previously made, Defendant states that it is in possession of documents which may be responsive to this interrogatory, and pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**INTERROGATORY NO. 16:**

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

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

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Defendant further objects to this interrogatory on the grounds it is overly broad, vague, not limited to a time period relevant in this case, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Texaco Inc. has required contractor employees to comply with OSHA and other government regulations in performing their contractual obligations. Although this Defendant no longer has access to records regarding the El

Paso, Texas Refinery, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 19:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 22:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loflin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 20:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity and assumes Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time.

**REQUEST FOR PRODUCTION NO. 23:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 24:**

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

**RESPONSE:**

Defendant objects to this Request on the ground that it is unduly burdensome, overly broad, vague, lacking in specificity, and not limited to a time period when Plaintiff was allegedly on

Defendant's premises. Defendant further objects because the request is overly broad and not relevant in seeking payments made to contractors particularly contractors not employing Plaintiff. Payments made to contractors are not relevant to the issues herein nor likely to lead to relevant information.

**REQUEST FOR ADMISSION NO. 21:**

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

**RESPONSE:**

Denied.

**REQUEST FOR ADMISSION NO. 22:**

Admit that during the years at issue, Defendant had the power to control Defendant's Premises.

**RESPONSE:**

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work performed by contractors and/or employees of contractors.

**REQUEST FOR PRODUCTION NO. 25:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 23:**

Admit that, during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See*

*Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 26:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ... MISSION NO. 24:**

Admit that, during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 27:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 25:**

Admit that, during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 28:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 26:**

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 29:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 27:**

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 30:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 28:**

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 31:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further

objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 29:**

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 32:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 30:**

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 33:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 31:**

Admit that during the years at issue, Defendant controlled Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 34:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 32:**

Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 35:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 33:**

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 36:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 34:**

Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See*

*Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 37:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 35:**

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant’s Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 38:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 36:**

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant’s Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 39:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 37:**

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 40:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 38:**

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 41:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 39:**

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's premises.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors.

**REQUEST FOR PRODUCTION NO. 42:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further

objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 40:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

**REQUEST FOR PRODUCTION NO. 43:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**INTERROGATORY NO. 17:**

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on Defendant's premises who were engaged in activities which could be potentially hazardous to either themselves or the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Defendant objects to Interrogatory No. 17 because the same is overly broad, vague, unspecific, ambiguous and seeks information not relevant to the issues in this cause nor likely to lead to the discovery of admissible evidence and seeks to require Defendant to marshal its evidence, which is not permitted under the Rules of Civil Procedure. The interrogatory as phrased is not limited to issues related to this lawsuit or to time frames involved in the issues in this lawsuit, and, therefore, the Interrogatory seeks information totally irrelevant to the issues involved in this suit.

Subject thereto, Defendant would show that it hired contractors who were knowledgeable in their crafts and who were in control of the details of the work of their employees and who were required to follow applicable standards in the performance of their work while working on the premises of Texaco Inc..

**REQUEST FOR ADMISSION NO. 41:**

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

**RESPONSE:**

Defendant objects to this Request as the same is repetitive and improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

**REQUEST FOR PRODUCTION NO. 44:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 42:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on this Defendant's premises, but assuming that he did, then DENIED.

**REQUEST FOR PRODUCTION NO. 45:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 43:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

**REQUEST FOR PRODUCTION NO. 46:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR ADMISSION NO. 44:**

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

**RESPONSE:**

Defendant objects to this Request as it is overly broad and not properly limited in time or scope. Subject thereto, ADMITTED for a portion of the time period of operation.

**REQUEST FOR PRODUCTION NO. 47:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 45:**

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

**RESPONSE:**

Defendant objects to this Request as it is overly broad and not properly limited in time or scope. Subject thereto, ADMITTED for a portion of the time period of operation.

**REQUEST FOR PRODUCTION NO. 48:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 46:**

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

**RESPONSE:**

Defendant objects to this Request as it is overly broad and not properly limited in time or scope. Subject thereto, ADMITTED for a portion of the time period of operation.

**REQUEST FOR PRODUCTION NO. 49:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 47:**

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

**RESPONSE:**

Defendant objects to this Request as it is overly broad and not properly limited in time or scope. Subject thereto, ADMITTED for a portion of the time period of operation.

**REQUEST FOR PRODUCTION NO. 50:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 48:**

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

**RESPONSE:**

Defendant objects to this Request as it is overly broad and not properly limited in time or scope. Subject thereto, Defendant is unable to admit or deny this Request.

**REQUEST FOR PRODUCTION NO. 51:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 49:**

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

**RESPONSE:**

Defendant objects to this Request as overly broad and not properly limited in time or scope. Subject thereto, ADMITTED for a portion of the time period of operation.

**REQUEST FOR PRODUCTION NO. 52:**

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

**RESPONSE:**

Not applicable.

**REQUEST FOR ADMISSION NO. 50:**

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

**RESPONSE:**

Defendant denies that installation of asbestos was done under its direction, supervision and/or control as to details of the work performed by independent contractors.

**REQUEST FOR PRODUCTION NO. 53:**

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**INTERROGATORY NO. 18:**

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

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Defendant further objects to this interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case and constitutes nothing more than a "fishing expedition" which is specifically prohibited under Texas law and the Texas Rules of Civil Procedure.

Without waiving this objection, and subject thereto, Defendant would respond by stating that it may be in possession of certain documents which may be responsive to this interrogatory. Further Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 54:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 51:**

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

**RESPONSE:**

Defendant objects to this request as overly broad, vague, ambiguous and not properly limited in time or scope, nor is it limited to matters pertaining to asbestos. Subject thereto, denied.

**REQUEST FOR ADMISSION NO. 52:**

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

**RESPONSE:**

Defendant objects to this request as overly broad, vague, ambiguous and not properly limited in time or scope, nor is it limited to matters pertaining to asbestos. Subject thereto, denied.

**REQUEST FOR ADMISSION NO. 53:**

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

**RESPONSE:**

Defendant objects to this request as overly broad, vague, ambiguous and not properly limited in time or scope. Defendant further objects because it assumes Plaintiff was exposed on Defendant's premises and assumes Plaintiff was on Defendant's premises. Subject thereto, denied.

**REQUEST FOR PRODUCTION NO. 55:**

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

**RESPONSE:**

Defendant objects to this Request as overly broad, unspecific, vague and ambiguous. Defendant additionally objects because this Request seeks to require this Defendant to marshal its evidence, which is specifically prohibited by Rule 194.2(c). Further, the Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex. 1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Dillard Department Store, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

**INTERROGATORY NO. 19:**

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

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Further, Defendant objects because the Interrogatory assumes facts not in evidence, that is, that the Plaintiff has an asbestos-related injury and that he was exposed on Defendant's premises. Further, Defendant objects because the Interrogatory seeks to require this Defendant to marshal its evidence which is impermissible under the Texas Rules of Civil Procedure.

**REQUEST FOR ADMISSION NO. 54:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. See *Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex. App. — Houston [14th Dist.] 1990, no writ). Further, this request is overly broad, vague, ambiguous, and assumes facts not in evidence. Subject thereto, Defendant cannot admit or deny that Plaintiff worked at Defendant's premises, or if he did, that he was exposed. However, assuming that he did, DENIED.

**REQUEST FOR PRODUCTION NO. 56:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR ADMISSION NO. 55:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Further, this request is overly broad, vague, ambiguous, and assumes facts not in evidence. Subject thereto, DENIED.

**REQUEST FOR ADMISSION NO. 56:**

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

**RESPONSE:**

Defendant objects to this Request as the same is repetitive and improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Further, this request is vague, ambiguous, and assumes facts not in evidence. Further, Defendant cannot admit or deny that Plaintiff worked at Defendant's premisses, or if he did, that he was exposed. However, assuming that he did, denied.

**REQUEST FOR PRODUCTION NO. 57:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 57:**

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

**RESPONSE:**

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. See *Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Further, this request is overly broad, vague, ambiguous, and assumes facts not in evidence. Further, Defendant cannot admit or deny that Plaintiff worked at Defendant's premises, or if he did, that he was exposed. However, assuming that he did, DENIED.

**REQUEST FOR PRODUCTION NO. 58:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by

the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 59:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that the Plaintiff has an asbestos related disease. Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 60:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes that the Plaintiff has an asbestos related disease. Defendant further objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products

relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 61:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, assumes facts not in evidence, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant additionally objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

**REQUEST FOR PRODUCTION NO. 62:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 63:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by

the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 64:**

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

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, 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:**

Defendant objects to this Request as the same is overly broad, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 65:**

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or

relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects because this request seeks to require production of documents protected by the attorney-client and work product privileges.

**INTERROGATORY NO. 20:**

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

**ANSWER:**

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Defendant further objects because the Interrogatory is overly, broad, ambiguous and unspecific, and seeks to have this Defendant marshal its evidence. Further, the Request is not limited to a time period nor has there been any indication that Plaintiff worked on this Defendant's premises.

Without waiving this objection, and subject thereto, Texaco Inc. would respond by stating that it may be in possession of certain documents which may be responsive to this interrogatory. Further Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 66:**

Produce the written materials referred to in the interrogatory above.

**RESPONSE:**

Defendant objects to this Request on the same basis as stated in answer to Interrogatory No. 20. The Texas Supreme Court has held in several cases over the last few years that discovery

requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR ADMISSION NO. 58:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes facts not in evidence, i.e. that Plaintiff has an asbestos-related condition. Subject thereto, DENIED.

**REQUEST FOR ADMISSION NO. 59:**

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

**RESPONSE:**

Defendant objects to this Request because it assumes the Plaintiff has an asbestos-related injury. Defendant additionally objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, DENIED.

**REQUEST FOR ADMISSION NO. 60:**

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

**RESPONSE:**

The El Paso Refinery was sold in May, 1986; therefore, the information known or easily obtainable is insufficient to enable it to admit or deny this request.

**REQUEST FOR ADMISSION NO. 61:**

Admit that Defendant no longer uses asbestos on its Premises.

**RESPONSE:**

The El Paso Refinery was sold in May, 1986; therefore, the information known or easily obtainable is insufficient to enable it to admit or deny this request.

*Defendant objects to Requests for Admission Nos. 62-78 as being outside the time periods relevant to the inquiries herein. These requests are therefore overly broad and seek information not relevant to the time periods herein nor likely to lead to the discovery of admissible evidence. Further, as stated previously, Texaco Inc. sold its El Paso, Texas Refinery in May, 1986.*

**REQUEST FOR ADMISSION NO. 62:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1972.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 63:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1973.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 64:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1974.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 65:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1975.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 66:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1976.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 67:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1977.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 68:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1978.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 69:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1979.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 70:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1980.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 71:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1981.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 72:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1982.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 73:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1983.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 74:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1984.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 75:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1985.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 76:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1986.

**RESPONSE:**

See objection above. Subject thereto, admitted.

**REQUEST FOR ADMISSION NO. 77:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1987.

**RESPONSE:**

See objection above. Subject thereto, this Defendant would respond by stating that it sold the El Paso Refinery in May, 1986, therefore, the information known or easily obtainable by this Defendant is insufficient to enable it to admit or deny this request.

**REQUEST FOR ADMISSION NO. 78:**

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1988.

**RESPONSE:**

See objection above. Subject thereto, this Defendant would respond by stating that it sold the El Paso Refinery in May, 1986, therefore, the information known or easily obtainable by this Defendant is insufficient to enable it to admit or deny this request.

**REQUEST FOR PRODUCTION NO. 67:**

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

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, vague, not limited to the subject premises, nor is it limited to the time period relevant in this case, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objection, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are

maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 68:**

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections, and further assuming that this Request is limited to the time period relevant in this case, this Defendant would respond by stating that over the years it has assembled otherwise discoverable documentation which may be responsive in whole or in part to this Request. Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 69:**

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

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked. Further, the request is overly broad because it is not limited to the substance made the basis of this suit, asbestos, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 70:**

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 71:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 72:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 73:**

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 74:**

Produce all documents related to the medical condition of Plaintiff at any time during his employment at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiff's health.

**RESPONSE:**

Defendant has no documents relating to the medical condition of Plaintiff other than documents produced in discovery of this cause. Defendant will produce any defense medical examinations or information as it becomes available.

**REQUEST FOR PRODUCTION NO. 75:**

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

**RESPONSE:**

None.

**REQUEST FOR PRODUCTION NO. 76:**

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that this Defendant considers to be proprietary in nature, and therefore would be protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Subject to and without waiving the foregoing objection, Defendant Texaco Inc. would respond by stating that it sold the El Paso, Texas Refinery in May, 1986 and therefore, is no longer in possession of plant records.

**REQUEST FOR PRODUCTION NO. 77:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably

tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 78:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 79:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject

thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 80:**

Produce all documents relating to any individuals claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, unduly burdensome, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Request as phrased could include documents which would violate the personal privacy privilege of Defendant's employees, and could include documents protected by the attorney-client and attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 81:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 82:**

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request as overly broad as it is not limited in time or scope. Subject thereto, as stated previously herein, Texaco Inc. sold the El Paso Refinery in May, 1986 thus any otherwise discoverable documents responsive to this request are not in the possession of this Defendant.

**REQUEST FOR PRODUCTION NO. 83:**

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

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked, nor is it limited to the product at issue in this case, that is, asbestos, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 84:**

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

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections, and further assuming that this Request is limited to the time period relevant in this case and the El Paso Refinery, this Defendant would respond by stating that it sold the El Paso Refinery in May, 1986 and thus any otherwise discoverable documents responsive to this request are not in the possession of this Defendant.

**REQUEST FOR PRODUCTION NO. 85:**

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

**RESPONSE:**

Defendant objects to this request because the same is overly broad and requests information which is not required by the Texas Rules of Civil Procedure. Defendant will produce information as required by the Texas Rules of Civil Procedure regarding experts.

**REQUEST FOR PRODUCTION NO. 86:**

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

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, vague, general and global, lacking in specificity, and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery requests and seeks to require this Defendant to marshal its evidence. Further, this Defendant would object to this request to the extent it seeks production of documentation and/or the disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

**REQUEST FOR PRODUCTION NO. 87:**

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

**RESPONSE:**

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Further, this Defendant objects to this Request on the grounds that as phrased, it would necessarily violate the personal privacy rights of the non-parties who may be involved. Defendant further objects to the extent that this Request may seek to discover documents which were created regarding litigation as being in violation of the attorney work product and attorney client privileges.

**REQUEST FOR PRODUCTION NO. 88:**

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

**RESPONSE:**

Defendant objects to this request on the grounds it is clearly overly broad, unspecific, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit specifically alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 89:**

Produce all documents which contain complaints by employees of the Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, unspecific, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 90:**

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

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, unspecific, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 91:**

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further

objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 92:**

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

**RESPONSE:**

Defendant objects to this request on the grounds it is overly broad, vague and seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 93:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 94:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 95:**

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

**RESPONSE:**

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**REQUEST FOR PRODUCTION NO. 96:**

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

**RESPONSE:**

Defendant objects to this request as the same is overly broad, vague, ambiguous and unspecific, and not limited to the time period during which the Plaintiff may have been a worker. Subject to said objection, Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an off-site storage facility in Oklahoma but can be made available for inspection and copying at a reasonable time.

**REQUEST FOR PRODUCTION NO. 97:**

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

**RESPONSE:**

Defendant objects to this Request as the same is overly broad, vague, ambiguous and unspecific. Defendant only has materials relating to the Plaintiff as they have been discovered in this cause.

**REQUEST FOR PRODUCTION NO. 98:**

If you contend that you did not control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase 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:**

Defendant objects to this Request because it is overly broad, vague, ambiguous and unspecific and multifarious and seeks to require this Defendant to marshal its evidence. This Request seeks to incorporate many different requests in one Request for Production and therefore cannot possibly be responded to. Defendant objects to this Request because it fails to specify the documents sought with reasonable particularity and amounts to a "fishing expedition." The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).