

NO. 97-4054-B

MARIO RAMIREZ	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	NUECES COUNTY, T E X A S
	§	
	§	
A.C.&S., INC., ET AL.	§	110TH JUDICIAL DISTRICT

COASTAL REFINING & MARKETING, INC.'S OBJECTIONS AND RESPONSES
TO PLAINTIFF'S THIRD REQUEST FOR PRODUCTION AND
SECOND REQUEST FOR ADMISSIONS

TO: PLAINTIFF MARIO RAMIREZ, by and through his attorneys of record, Ms. Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, DEFENDANT COASTAL REFINING & MARKETING, INC. ("Defendant" or "Coastal") in the above-entitled and numbered cause of action and, pursuant to the Texas Rules of Civil Procedure makes and files this its Objections and Responses to Plaintiff's Third Request for Production and Second Request for Admissions, as follows:

SEE ATTACHED.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 
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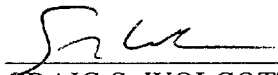
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ATTORNEYS FOR DEFENDANT
COASTAL REFINING & MARKETING, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiffs by facsimile, certified mail, return receipt requested, Federal Express and/or hand delivery, and to all other counsel of record by regular mail, on this 12th day of September, 2001.



CRAIG S. WOLCOTT

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 and other separately incorporated non-parties thus rendering the Plaintiff’s stated definitions overly broad, vague and improper.

Defendant objects to the stated definition of the terms “Document,” “Documents,” “Written Materials” and “Printed Matters” 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.

**PLAINTIFF'S SECOND REQUESTS FOR ADMISSION AND
THIRD REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant to this case, not limited to the site where Plaintiff allegedly worked, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." See *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 2:

Admit that you possess no air monitoring results for dust or asbestos taken on Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the matters the basis of this suit, not limited to the specific unit or units where Plaintiff allegedly worked, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff has failed to identify the specific time and/or places wherein he allegedly worked on Defendant's premises. Subject thereto, for period for 1989-91, insulation contractors hired independent contractors to perform air monitoring while they were doing their work.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant to this case, not limited to the site where Plaintiff allegedly worked, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." See *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 3:

Admit that results of air monitoring taken for dust or asbestos on Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises indicate that workers were exposed to asbestos at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is as excessive, overbroad, vague, not limited to the matters the basis of this suit, not limited to the specific unit or units where Plaintiff allegedly worked, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff has failed to identify the specific time and/or places wherein he allegedly worked on Defendant's premises. Subject thereto, for the period 1989-91, insulation contractors hired independent contractors to perform air monitoring while they were doing their work.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant to this case, not limited to the site where

Plaintiff allegedly worked, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." See *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Defendant denies its employees worked with asbestos-containing materials during the period 1989-91.

REQUEST FOR ADMISSION NO. 5:

Admit that independent contractors were working with asbestos-containing materials at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Admit that some independent contractors' employees may have abated some asbestos-containing materials at Defendant's premises during 1989-91.

REQUEST FOR ADMISSION NO. 6:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

Admit that Defendant was aware of the abatement of asbestos-containing products from Defendant's premises during 1989-91.

REQUEST FOR ADMISSION NO. 7:

Admit that you did not post warning, caution or hazard signs concerning asbestos at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Independent contractors posted warning, caution or hazard signs concerning asbestos during abatement in 1989-91.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not post warning, caution or hazard signs written in Spanish concerning asbestos at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Independent contractors posted warning, caution or hazard signs concerning asbestos during abatement in 1989-91.

REQUEST FOR ADMISSION NO. 9:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises prior to or during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Deny. Defendant Coastal did not own the premises in the 1950s.

REQUEST FOR ADMISSION NO. 11:

Admit that asbestos-containing materials were used on Defendant's Premises in the 1960s.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were used on Defendant's Premises in the 1970s.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were used on Defendant's Premises in the 1980s.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not provide contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not provide contractors working at Defendant's Premises with health and

safety procedures written in Spanish relating to the use of asbestos at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not conduct health and safety meetings relating to the use of asbestos at Defendant's Premises with contractors during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not conduct health and safety meetings with contractors in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not protect contractor's employees from exposure to asbestos on Defendant's Premises At Issue during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant objects to this request as excessive, overbroad, vague, general, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Deny that Plaintiff was not "protected" from exposure to asbestos on Defendant's premises.

REQUEST FOR PRODUCTION NO. 4:

If you have answered the foregoing admission with anything other than an unequivocal

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

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant to this case, not limited to the site where Plaintiff allegedly worked, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." See *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 22:

Admit that Defendant owned Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Admit Defendant owned the Corpus Christi Refinery during the years 1989-91.

REQUEST FOR ADMISSION NO. 23:

Admit that Defendant operated Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, vague, not limited to the specific unit or units upon which Plaintiff allegedly worked, and therefore seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: Admit Defendant owned the Corpus Christi Refinery during the years 1989-91.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, general, vague, and not specific as to the specific unit or units on which Plaintiff allegedly worked, and therefore seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto: For the period 1989-1991, insulation contractors hired independent contractors to perform air monitoring while they were doing their work.

REQUEST FOR ADMISSION NO. 25:

Admit that you were aware that some contractors working at Defendant's Premises did not understand English.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 26:

Admit that you did not to provide safety orientations to contractors when they began work at Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not conduct safety orientations in Spanish for contractors when they began work at Defendant's Premises.

RESPONSE:

Objection: Defendant Coastal objects to this request as excessive, overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 28:

Admit that you contracted with Plaintiff's Employer to remove asbestos-containing materials from Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Admit.

REQUEST FOR ADMISSION NO. 29:

Admit that you contracted with Plaintiff's Employer to replace asbestos-containing materials at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 30:

Admit that you contracted with Plaintiff's Employer to install asbestos-containing materials at Defendant's Premises At Issue during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 31:

Admit that you contracted with Plaintiff's Employer to maintain asbestos-containing materials at Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 32:

Admit that you contracted with Plaintiff's Employer to do new construction work at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Defendant is without sufficient information to admit or deny.

REQUEST FOR ADMISSION NO. 33:

Admit that you hired Plaintiff's Employer to do "turnaround" work at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Admit that Plaintiff has testified he did "turnaround" work for Gilman at Coastal in 1989-91.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

Admit.

REQUEST FOR ADMISSION NO. 35:

Admit that you instructed Plaintiff's Employer about the work to be performed on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 36:

Admit that you instructed Plaintiff's Employer about how the work was to be performed on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 37:

Admit that you showed Plaintiff's Employer how the work was to be performed on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 38:

Admit that you provided Plaintiff's Employer with specifications, plans and diagrams for the work Plaintiff's Employer was to complete at Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 39:

Admit that specifications would indicated to Plaintiff's Employer what materials were to be used in performing the work on Defendant's Premises during the time period Plaintiff has stated he was working on Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Objection: Defendant Coastal objects to this request on the grounds it is excessive, overbroad, vague, not limited to the time period relevant to this case, not limited to the site where Plaintiff allegedly worked, and therefore is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the request does not seek specific, identifiable documents, and thus is an improper "fishing expedition." See *Texaco v. Sanderson* and *Loftin v. Martin*.

REQUEST FOR ADMISSION NO. 40:

Admit that you told Plaintiff's Employer when to start work at Defendant's Premises.

RESPONSE:

Admit that Defendant provided Gilman Insulation with a time when it could start its work.

REQUEST FOR ADMISSION NO. 41:

Admit that you told Plaintiff's Employer when to stop work at Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 42:

Admit that you told Plaintiff's Employer what materials to use in doing the work at Defendant's Premises.

RESPONSE:

Deny.

REQUEST FOR ADMISSION NO. 43:

Admit that you expected Plaintiff's Employer to complete its work on Defendant's Premises by a pre-set deadline.

RESPONSE:

Admit that a schedule for completion of the work was established.

REQUEST FOR ADMISSION NO. 44:

Admit that you could correct or cause to be corrected the work performed by Plaintiff's Employer on Defendant's Premises.

RESPONSE:

Objection: Excessive, overbroad, vague, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 45:

Admit that you could require Plaintiff's Employer to redo any work at Defendant's Premises to your satisfaction.

RESPONSE:

Admit that Defendant could request work be redone.

REQUEST FOR ADMISSION NO. 46:

Admit that you observed the work performed by Plaintiff's Employer on Defendant's Premises.

RESPONSE:

Deny that Defendant observed all of the work performed. Admit the end result was observed.

REQUEST FOR ADMISSION NO. 47:

Admit that you inspected the work performed by Plaintiff's Employer on Defendant's Premises.

RESPONSE:

Deny that Defendant inspected all of the work performed. Admit the end result was inspected.

REQUEST FOR ADMISSION NO. 48:

Admit that you approved the work performed by Plaintiff's Employer on Defendant's Premises.

RESPONSE:

Deny that Defendant approved all of the work performed. Admit the end result was approved.

REQUEST FOR ADMISSION NO. 49:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's Employer on Defendant's Premises.

RESPONSE:

Deny.