

CAUSE NO. 97-2444-B

ALDON BENJAMIN GREENHOUSE	§	IN THE DISTRICT COURT OF
vs.	§	SMITH COUNTY, TEXAS
DRESSER INDUSTRIES, INC. ET AL	§	114TH JUDICIAL DISTRICT

**NOTICE OF INTENTION TO TAKE THE 200(2)(B)
DEPOSITIONS AND SUBPOENA DUCES TECUM**

TO: Defendant, Tyler Pipe Industries, Inc. by and through its attorney of record, Joanne Early, Gardere & Wynne, L.L.P., 3000 Thanksgiving Tower, Dallas, Texas 75201-4761.

PLEASE TAKE NOTICE that Plaintiffs will take the deposition of Tyler Pipe Industries, Inc. ("Defendant") on November 13, 1998 commencing at 9:30 a.m. and continuing thereafter from day to day until completed. The deposition will take place at the offices of Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281. You are invited to attend and examine the witness.

Further, pursuant to Rule 200(1)(b) of the TEXAS RULES OF CIVIL PROCEDURE, Swan Transportation Company must designate the person or persons most knowledgeable regarding the following topics to testify fully on its behalf.

1. The existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Tyler Pipe's documents that are maintained or stored on-site (in any plant or corporate office) and/or off-site.
2. The existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Tyler Pipe's computerized records or other 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, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site (in any plant or office) or off-site.
3. The document retention and/or destruction policies for Tyler Pipe that pertain to documents and records.
4. The record retention and/or destruction, dumping, or purging policies for Tyler Pipe that pertain to 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 (in any plant or office) or off-site.

Defendant may, if it so desires, designate the matters on which each person it designates will testify. The person or persons so designated shall appear and testify at the time and place set forth in this Notice.

Further, pursuant to Rule 200(1)(b) of the TEXAS RULES OF CIVIL PROCEDURE, the person or persons so designated are hereby commanded to produce the items or things listed in the attached Subpoena Duces Tecum at such persons deposition (or in advancement of the deposition at such other time and location as the parties may agree).

Respectfully submitted,

NEGEM, BICKHAM AND CLARK
440 South Vine
Tyler, Texas 75702
Telephone : (903) 595-4466
Telecopier: (903) 593-3266

By:

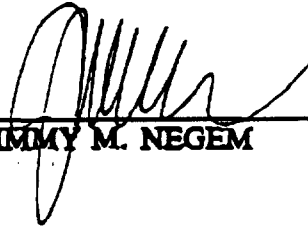


JIMMY M. NEGEM
State Bar No. 14865500

**ATTORNEY FOR PLAINTIFF,
ALDON BENJAMIN GREENHOUSE**

Certificate of Service

I hereby certify that a true and correct copy of the above document has been forwarded via U.S. certified mail, return receipt requested, counsel of record for defendants, at their mailing address of on this the 4th day of November, 1998.



 JIMMY M. NEGEM

DEFINITIONS

As used in this Notice, the following terms are defined:

1. "Person" shall mean the plural as well as the singular and shall include any natural person, alive or deceased, any firm, corporation, proprietorship, joint venture, trust or estate, business, association, partnership, or other form of legal entity, unless the context indicates otherwise.
2. "Identify" or "identity" when used in reference to documents shall be understood as an instruction to identify the document completely. The identification shall include, but not be limited to, the document's date, title, authors, addresses and other recipients, type (e.g., letter, notes, memoranda, diary, etc.), subject matter, present location, present custodian, and the purposes for which the document was created or prepared.
3. "Each" shall mean each and every; "All" shall mean any and all.
4. "Relating to" "pertaining to" and "regarding" shall mean embodying, pertaining to, concerning, constituting, comprising, reflecting, discussing, referring to, or having any logical or factual connection whatsoever with the subject matter in question.
5. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant responding to these Requests for Production, its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, including present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates. The term "Predecessors" means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or by another entity that you acquired thereafter or that came to be acquired by you whether by merger, consolidation, or otherwise. "Subsidiaries" means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part, by Defendant or its predecessors.
6. The words "documentation" "document" and "documents" include any written, printed, recorded or graphic matter, photographic or videographic matter or sound reproductions or computer input or output, including but not limited to: Papers, books, pamphlets, guidebooks, handbooks, instruction and/or safety manuals, articles, letters, correspondence, electronic or videotape recordings, contracts, notes, rough drafts, inter-office memoranda, reports, research materials, logs, diaries, calendars, bank statements, tax invoices, diagrams, studies, manuals, minutes, by-laws, articles of incorporation, resolutions, shareholder endorsements, or partnership documents however produced or reproduced, that are now or were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession, custody or control of Defendant's subsidiaries, whether domestic or international, or merged or acquired predecessors).

7. The words "conference" "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.
8. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials, substances, or materials are incorporated into final products, or where products or component parts are prepared for further fabrication and/or assembly.
9. The word "manufacture." or "manufactured" means to fabricate, to construct, to assemble, to prepare for fabrication, construction or assembly, and any other action taken prior to completion of the product or material before the time of its shipment.

Subpoena Duces Tecum

1. 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 Tyler Pipe's documents (maintained or stored on-site in any plant or office or off-site).

2. 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 Tyler Pipe's computerized records or other records of Tyler Pipe that were 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, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site (in any plant or office) or off-site.

3. Maps, diagrams, charts, photographs, drawings, or other graphic or schematic depictions of the buildings, floors, rooms, or other areas where Tyler Pipe documents are located, whether on-site (in any plant or office) or off-site.

4. Maps, diagrams, charts, photographs, drawings, or other graphic or schematic depictions of the buildings, floors, rooms, or other areas where Tyler Pipe stores its computerized records or other records of Tyler Pipe that were 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, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site (in any plant or office) or off-site.

5. Any document retention and/or destruction policies for Tyler Pipe 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.

6. Any record retention and/or destruction, dumping, or purging policies for Tyler Pipe 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 (in any plant or office) 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.

7. Your current resume or Curriculum Vitae.

8. Any documentation which reflects or relates in any way to any other inquiry or research conducted by you or at your request or direction in anticipation of or in the preparation for your deposition.

9. Any other documentation of any nature that constitutes, reflects, comprises, pertains, describes or relates in any way to any other document or source of information you relied on in preparing for your deposition.

10. Any other documentation (not otherwise produced in response to a foregoing paragraph) that you reviewed in preparation for your deposition.

11. Any documentation, including but not limited to notes, correspondence, memoranda, tapes or transcriptions thereof, computerized information, minutes of meetings, or other documentation which reflects or relates in any way to conferences, meetings, or conversations you had with any individual or entity (except Tyler Pipe attorneys) during which you prepared for or otherwise discussed this deposition.

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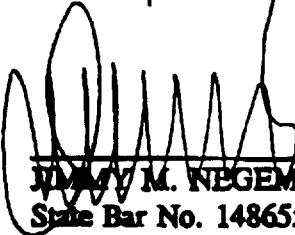
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440 South Vine
Tyler, Texas 75702
Telephone : (903) 595-4466
Telecopier: (903) 593-3266

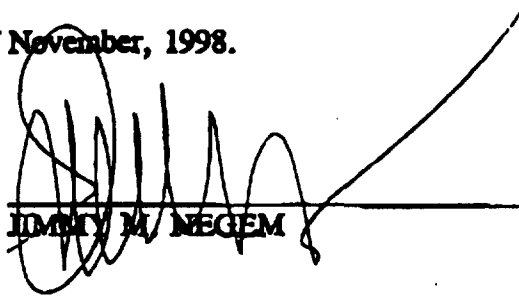
By:


JIMMY M. NEGEM
State Bar No. 14865500

**ATTORNEY FOR PLAINTIFF,
ALDON BENJAMIN GREENHOUSE**

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