

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

ERNEST LEE STEVENS and
CAROLYN SUE STEVENS

Plaintiffs,

v.

Civil Action No. 82-2483

UNION CARBIDE CORPORATION,
a corporation; FMC CORPORATION,
a corporation.

Defendants.

DEFENDANT UNION CARBIDE CORPORATION'S
RESPONSE TO PLAINTIFFS' MOTION
FOR PRODUCTION OF DOCUMENTS

1. All records, reports or other written documentation indicating storage tank inventories from January 1, 1968 through December 31, 1983 for Union Carbide's loading and storage facility located adjacent to the area commonly referred to as North Charleston.

2. All barge manifest, bills of lading or other similar documents from January 1, 1968, through December 31, 1983 which were loaded or unloaded at Union Carbide's loading and storage facility located adjacent to the area commonly referred to as North Charleston.

3. All truck manifest, bills of lading or other similar documents from January 1, 1968 through December 31, 1983 which were loaded or unloaded at Union Carbide's loading and storage facility located adjacent to the area commonly referred to as North Charleston.

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4. All railr ad manifest, bills f lading or other similar documents from January 1, 1968 through January 1, 1983 which were loaded or unloaded at Union Carbide's loading and storage facility located adjacent to the area commonly referred to as North Charleston.

ANSWER: This defendant objects to plaintiffs' Request 1 through 4 on the grounds that these requests are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence. These requests would involve thousands of documents, to the extent that such documents have been retained, dealing with hundreds of substances the vast majority of which would have absolutely no conceivable connection to the plaintiff's alleged injuries.

5. All records, reports or other written documentation of accidental or unintended spills, omissions or other releases of substances handled at the storage or loading facility located adjacent to the area commonly referred to as North Charleston occurring from January 1, 1968, through December 31, 1983.

ANSWER: This defendant objects to plaintiffs' Request No. 5 on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of relevant evidence. Plaintiffs' request includes information concerning hundreds of chemicals which are in no way suspected as being carcinogenic. Gathering the requested information for all of the chemicals handled for the fifteen year period at the North Charleston facility would be a tremendous undertaking

consuming great amounts of manpower. Without waiving the foregoing objections, this defendant is willing to provide the requested documents, which it has retained in its possession, for Acrylonitrile, and Vinylchloride, which are the two chemicals identified in answers to the plaintiffs' Interrogatory No. 2 as being the only potentially suspected carcinogens handled at the North Charleston facility in the specified time frame.

6. All records, reports or other written documentation of omissions or releases of substances which are not classified as accidental or unintended occurring at the storage or loading facility located adjacent to the area commonly referred to as North Charleston occurring from January 1, 1968, through December 31, 1983.

ANSWER: This information would be contained in the Air Emission inventories filed with the West Virginia Air Pollution Control Commission for the years 1972, 1976, and 1981. Such information is obtainable from the West Virginia Air Pollution Control Commission as easily by the plaintiffs as by the defendant.

7. All records, reports or other written documentation, prepared from January 1, 1968, through the present of any analysis of air pollution occurring from the operation of Union Carbide's South Charleston plant and accompanying loading and storage facility, which Union Carbide has performed itself or has been performed by a third party at their direction or request.

8. All records, reports or other written documentation prepared from January 1, 1968, to the present, of any analysis of organic air pollution occurring from the operation of the Union Carbide South Charleston Plant and its company loading and storage facility which has been performed by any group or association whom Union Carbide has supplied information.

ANSWER:

9. All records reports or other written documentation, prepared from January 1, 1968 through the present, of any analysis of organic air pollution occurring which has been performed by any branch of the federal, state or local government, or any agency thereof, with respect to the Union Carbide South Charleston Plant as a company loading and storage facility, excluding records already supplied in response to previous request.

ANSWER: This defendant objects to this document production request as requesting information in the public domain which is as readily accessible to the plaintiffs as to the defendants. Without waiving the foregoing objection, this defendant has provided copies of reports which may fall within the scope of this discovery request in response to plaintiffs' interrogatory 3.

10. All records, reports or other written documentation of accidental or unintended spills, emissions, or releases of substances handled at the Union Carbide facility located at South Charleston, West Virginia, from January 1, 1968 through December 31, 1983.

ANSWER:

11. All records, reports or other written documentation of emissions, or releases of substances at the Union Carbide facility located at South Charleston, West Virginia, that are not classified as accidental or unintentional emissions or releases occurring from January 1, 1968 through December 31, 1983.

ANSWER: Such information would be contained in air emissions inventories filed with the West Virginia Air Pollution Control Commission, and such reports are as readily accessible to the plaintiffs as to the defendants from the West Virginia Air Pollution Control Commission.

UNION CARBIDE CORPORATION

By Counsel

W. T. Shaffer

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CERTIFICATE OF SERVICE

I, Robert L. Stewart, Jr., one of the attorneys for Uni n Carbide Corporation, do hereby certify that I have served the within Response to Plaintiffs' Request for Production of Documents on the plaintiff by depositing a true and exact copy th reof in the United States Mail, postage paid, addressed to plaintiff's attorney, William C. Field, Esquire, 603 Virginia Street, East, Charleston, West Virginia 25301, on this the ____ day of April, 1986.

Robert L. Stewart, Jr.