



JUAN R. REYNA AND WIFE
ANGIE REYNA

v.

SWAN TRANSPORTATION COMPANY
f/k/a TYLER PIPE INDUSTRIES, INC.,
ET AL

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269TH JUDICIAL DISTRICT

SECOND AMENDED
CROSS NOTICE OF INTENT TO TAKE ORAL
AND VIDEOTAPED DEPOSITION OF
JOSEPH A. GUIMOND

TO: All Defendants, by and through their counsel of record.

PLEASE TAKE NOTICE, pursuant to TEXAS RULE OF CIVIL PROCEDURE 201, the oral deposition of Joseph A. Guimond will be taken, both by non-stenographic recording (videotape) and by stenographic recording, commencing at 9:00 a.m. (Eastern) on Thursday, September 23, 1999, and continuing through Friday, September 24, 1999 at the Hilton Philadelphia Airport, Penrose Room 4509 Island Avenue, Philadelphia, Pennsylvania 19153, by Worldwide Court Reporters.

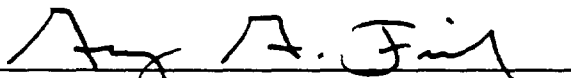
In connection with this deposition, pursuant to the TEXAS RULES OF CIVIL PROCEDURE, a subpoena duces tecum is being issued by the appropriate authority in Montgomery County, Pennsylvania pursuant to letters rogatory, compelling the deponent to produce at the beginning of his deposition the following documents in his possession, custody or control, or such documents, files or records which are in the possession of Joseph A. Guimond & Associates, their agents or employees:



1. All documents regarding Tyler Pipe Industries, Inc. and/or Tyler Pipe Industries of Texas, Inc.'s compliance, noncompliance, and/or violation or potential violation of any state or federal government rule, regulation, or law pertaining to occupational health and safety;
2. All documents regarding any dust or air samples, monitoring, tests, or evaluations ever done at the Tyler Pipe foundry located in Tyler, Texas by Guimond & Associates;
3. All documents regarding industrial hygiene recommendations made by Guimond & Associates to Tyler Pipe Industries, Inc. and/or Tyler Pipe Industries of Texas, Inc.;
4. All documents generated from environmental engineering services rendered by Guimond & Associates for Tyler Pipe Industries, Inc. and/or Tyler Pipe Industries, Inc.;
5. All pictures or videos in your possession, custody or control taken at the Tyler Pipe foundry located in Tyler, Texas;
6. All documents regarding visits and/or inspections of the Tyler Pipe foundry, located in Tyler, Texas by Guimond & Associates;
7. All documents sent to Guimond & Associates from Tyler Pipe Industries Inc. and/or Tyler Pipe Industries of Texas, Inc. regarding OSHA citations, violations, potential violations, dust problems or pertaining to occupational health and safety; and
8. All statements given to Guimond & Associates by Tyler Pipe Industries, Inc. and/or Tyler Pipe Industries of Texas, Inc. employees, agents or representatives, including safety committee members.

WILLIAMS ♦ BAILEY LAW FIRM, L.L.P.

By:



Denman H. Heard

Texas Bar No. 00784235

Guy G. Fisher

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that pursuant to TEX.R.CIV.P.199.2, a true and correct copy of the foregoing has been forwarded to all counsel of record via certified mail, return receipt requested, and/or hand delivery, and/or telephonic document transfer, and/or first class mail delivery on this 19th day of September, 1999.


Guy G. Fisher

DEFINITIONS

1. "Plaintiffs" shall collectively refer to all Plaintiffs in this cause.

2. "Defendant," "you", or "your" shall refer to Tyler Pipe Industries of Texas, Inc., Tyler Industries, Tyler Pipe Industries, Inc., or Swan Transportation Company and all predecessors or forms of the corporation under any other names, its successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of Defendant, its successors, predecessors, divisions, and subsidiaries.

3. "Document" or "documents" means writings of every kind, including, but not limited to, all correspondence, contracts, deeds, deeds of trust, agreements, notes, memoranda, tabulations, charts, graphs, records, reports, report forms, minutes or notes of meetings or conferences, minute books, blueprints, drawings, papers, brochures, appraisals, pamphlets, circulars, press releases, journals, advertising printouts, sell orders, letters of credit, canceled checks, checkbook registers or ledgers, transcripts of hearings, transcripts of testimony, letters, bulletins, books, logs, schedules, lists, worksheets, records or summaries, of any communications, conversations or interviews (including telephone bills), instructions, telegrams, teletypes, telexes, radiograms, tables, appointment books, calendar and diary entries, opinions or reports of consultants, projections, statistical statements, purchase orders, invoices, acknowledgments, confirmations, tapes and tape recordings (video or audio or other forms of mechanical recordings of all statements not reduced to writing), microfilm, photographs and other forms of preserving information of every kind and description, including, but not limited to, any information contained on any computer, in your actual or constructive possession, custody or control, wherever located. The term "document" or "documents" also includes copies of writings when originals are not in your possession, custody or control, drafts of originals and copies bearing notations or containing information

in addition to that contained on the originals, and all attachments, appendices and/or exhibits to originals, drafts and non-identical copies.

4. "Pertaining to" means relevant to, relating to, referring to, having to do with, or concerning, and should be construed as broadly as is reasonably permitted under the TEXAS RULES OF CIVIL PROCEDURE.

5. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request information or documents that might otherwise be construed to be outside of its scope; and as used herein the singular shall include the plural and the plural shall include the singular, except as the context may otherwise require.

6. "Person" means individual, firm, partnership, joint venture, association, corporation or other legal, business, non-profit or governmental entity.

7. "Identify" as to a natural person means to state that person's full name, current employer, current business address and phone number and current residential address and phone number. As to a corporation, state the full name of the corporation, the full name of its registered agent along with the registered agent's current business address and phone number. As to a partnership, state the full name of the partnership, the full name and address of the general partner along with the general partner's current business address and phone number. As to a document, describe it with sufficient particularity so that a person who has never seen it can request its production with sufficient particularity in accordance with the TEXAS RULES OF CIVIL PROCEDURE. Include in your identification of any documents its date, author, recipients, and a brief description of the subject matter.

8. If you plan to claim a privilege or exemption from discovery for any of the materials, please state in writing, in advance of the deposition, the specific ground for each privilege or immunity, so the parties may determine the merits of the objection and decide

whether they should ask the court to determine the merits of the objection and decide whether they should ask the court to determine the validity of the objection.