

NO. 2000-757

IGNACIO SERAFIN, ET AL

§

IN THE COUNTY COURT

VS.

§

AT LAW NO. 3

CHEVRON U.S.A. INC.

§

§

EL PASO COUNTY, TEXAS

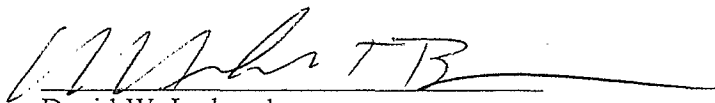
**CHEVRON U.S.A. INC.'S OBJECTIONS AND RESPONSES TO
TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS AND
SECOND SET OF REQUESTS FOR PRODUCTION
PROPOUNDED ON PREMISES DEFENDANT CHEVRON USA, INC.**

TO: IGNACIO SERAFIN, by and through his attorney of record, STEPHANIE FINCH, BARON
& BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A. INC., Defendant herein, and makes and files this its
Objections and Responses to Plaintiffs' First Request for Admissions and Second Set of Requests
for Production Propounded on Premises.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.



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ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Chevron U.S.A. Inc.'s Objections and Responses to Plaintiffs' First Request for Admissions and Second Set of Requests for Production Propounded on Premises has being furnished to Plaintiffs' counsel by certified mail on this the 18 day of August 2000.


Michael T. Bridwell

A. OBJECTIONS TO DISCOVERY

1. Defendant objects to Plaintiffs' first request for admissions and second set of requests for production in their entirety because they were served at a time in direct contravention of standing order number 1 for asbestos litigation in the District Courts and County Courts at Law of El Paso County, Texas. Plaintiffs served the subject discovery on or about July 19, 2000 at a time when standing order number 1 prohibited such discovery requests from being served and responses being required without leave of court after hearing. See paragraph #14 of standing order number 1.
2. Defendant objects to Plaintiffs' request for admissions and requests for production as they are overly broad, over burdensome and harassing given that Plaintiffs have not yet adequately specified the work history of Ignacio Serafin. Specifically, Defendant would show that standing order number 1 includes master discovery propounded to the Plaintiff which provide that the Plaintiff is to detail the applicable employment history including, the dates when the injured party worked for each employer, the location and description of each job site where the injured party was employed, the dates the injured party worked at each such job site, the wage rate for each job site where asbestos exposure is claimed, each job site where the Plaintiff claims the injured party was exposed to asbestos, the dates when it is claimed the injured party was exposed to asbestos, and the name, business address, home address, relationship to Plaintiff and present occupation of each and every witness that has knowledge of fact relevant to any time that Plaintiff claims that the injured party was exposed to asbestos-containing products. The information provided by Plaintiffs did not (and still does not) comport with the requirements of standing order number 1 and accordingly, Plaintiffs have not provided sufficient information to establish presence of the injured party on Defendant's premises such that discovery to Defendant is justified.
3. Defendant objects to the whole of Plaintiffs' discovery requests as so overly broad and unduly burdensome that Plaintiffs' discovery constitutes harassment. This suit involves a person employed by a finite number of employers at a finite number of locations during specific years (albeit yet unidentified specifically by Plaintiffs). Plaintiffs' claim is that the injured party was exposed to asbestos-containing products on Defendant's premises during the course and scope of his employment with various known employers. Plaintiffs should be seeking production of records and information relevant to issues raised by that particular fact situation. Plaintiffs' attempts to expand discovery to include information regarding irrelevant time periods and irrelevant materials produced at irrelevant locations by irrelevant persons or entities constitutes an impermissible abuse of the discovery rules and general misuse of the laws in the state of Texas.

B. OBJECTIONS TO PLAINTIFFS' DEFINITIONS

1. Defendant objects to Plaintiffs' definitions of the terms "Defendant", "you", and "yours", and "your company". To the extent the terms could be read to refer to Defendant's attorneys, any interrogatory or requests for production utilizing any of these terms necessarily invades the work product and/or attorney-client privileges embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are intended to include predecessors, divisions, subsidiaries, forms of subsidiaries,

forms of subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate Defendant, any interrogatory or requests for production utilizing these terms is so overly broad and over burdensome as to make any requests utilizing the term virtually impossible to answer. Further, to the extent the definition is intended to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, forms of subsidiaries, forms of subsidiaries of predecessors, and/or affiliates, any interrogatory or requests for production utilizing any of these terms is necessarily overly broad, unduly burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiffs' apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control. Any requests utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.

2. Defendant objects to Plaintiffs' definition of the terms "document", "documents", "written materials", or "printed materials" as the definition of those terms renders any requests utilizing any of these terms overly broad, unduly burdensome, harassing, and reduces any such discovery requests to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.
3. Defendant objects to Plaintiffs' definition of the term "years at issue" as the definition assumes that Plaintiff worked on the premises of Defendant for the entire period reflected in the definition, which is denied. Any request for admission or production utilizing this term is necessarily overly broad, over burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**DEFENDANT'S SPECIFIC RESPONSES TO PLAINTIFFS'
REQUEST FOR ADMISSIONS AND REQUESTS FOR PRODUCTION**

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as vague, ambiguous, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

Without waiving the foregoing, 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 utilizing on Defendant's Premises during the years at issue.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as the term "utilize" is vague, ambiguous and subject to multiple interpretations in the context of this suit. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects as this request is overly broad in that it is not limited in scope to the premises on which Plaintiff allegedly worked, nor the area(s) within any Chevron premises where Plaintiff allegedly worked.

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 it is overly broad and unduly burdensome and it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects to this request as it is further overly broad in that it is not limited in scope to the time periods during which Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing, please see documents produced in response to earlier requests for production and supplements thereto.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, 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 objects to this request for admission as served on Defendant in

contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and the request thereby additionally calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 further objects to this request as it is vague, ambiguous, overly broad, unduly burdensome, and it calls for information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as overly broad in that it is not limited in scope to the time period when Plaintiff allegedly worked on Defendant's premises, nor to the areas within Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, please see documents produced in response to earlier requests for production, and supplements thereto.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Not applicable.

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:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who where 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 as it is overly broad, unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Without waiving the foregoing objections, please see documents produced in response to earlier requests for production, and supplements thereto.

REQUEST FOR PRODUCTION NO. 7:

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 as it is vague, overly broad, unduly burdensome, and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Without waiving the foregoing objections, please see documents produced in response to earlier requests for production, and supplements thereto.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for

information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

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:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as over burdensome, multifarious and harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Defendant objects to this request as it is overly broad burdensome, multifarious and harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as over burdensome, multifarious and harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1953 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request in that it is vague and ambiguous because the quantity of exposures and the nature of the hazard have not been defined. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request in that it is vague and ambiguous because the quantity of exposures and the nature of the hazard have not been defined. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects that Plaintiff has not sufficiently identified the periods of time or locations in question. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 11:

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 as overly broad, unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited to time nor scope to the time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the terms "you" and "your," and as such the burden of discovery outweighs its benefits.

Without waiving the foregoing objections, Defendant has not yet located any relevant documents responsive to this request at the El Paso Refinery.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects the Plaintiff has not sufficiently identified the periods of time or locations in question. Defendant objects that the request is not limited to the premises where Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects the Plaintiff has not sufficiently identified the periods of time or locations in question. Defendant objects that the request is not limited to the premises where Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is argumentative as well as overly broad in that it is not limited to any applicable time period or location. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes a duty to provide equipment to employees of independent contractors who were retained to perform various activities as experts in the various fields in which they were retained and as independent contractors, agreed to take all reasonable precautions to protect their own employees. Defendant further objects to this request as overly broad in that it is not limited to the facility on which Plaintiff claims to have worked nor to the areas on the facility on which Plaintiff claims to have worked nor to the contractor or contractors for whom Plaintiff claims to have worked during the periods of time he allegedly worked at any Defendant's facility. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne 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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including

the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “using”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “using”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as

such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, not applicable.

REQUEST FOR PRODUCTION NO. 21:

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 as it is overly broad in that it is not limited to the facility at which Plaintiff claims to have worked nor to Plaintiff's employer. As such, this request is overly broad and overly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "control" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request to the extent that the terms "power" and "manage" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "manage" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION 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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "direct" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Defendant objects to this request to the extent that the terms "power" and "direct" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "superintend" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "superintend" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "restrict" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "restrict" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "regulate" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "regulate" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "govern" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "govern" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "oversee" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "oversee" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the terms "power" and "administer" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms "power" and "administer" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term "controlled" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term "controlled" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term “managed” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the terms “managed” and “condition” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in

contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term “directed” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term “directed” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term "superintended" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term "superintended" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term "restricted" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning

of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term "restricted" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term "regulated" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its

benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term “regulated” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant objects to this request for admission to the extent that the term “governed” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term “governed” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request for admission to the extent that the term “oversaw” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term “oversaw” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request for admission to the extent that the term “administered” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring.

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 to the extent that the term “administered” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant’s premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase “plaintiff’s work” vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term “control” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR PRODUCTION NO. 40:

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

denial.

RESPONSE:

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant

objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a

response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in

contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, 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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in

time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, 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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant

objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 50:

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 entries or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant further objects to this request for admission to the extent that the terms “such installation” and “direction, supervision and/or control” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “your”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

Without waiving the foregoing, not applicable.

REQUEST FOR PRODUCTION NO. 51:

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 to the extent it is overly broad and burdensome and which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request constitutes an impermissible fishing expedition in violation of Texas law. Defendant further objects that documents responsive to this request are already in Plaintiff’s counsel’s possession or are in the public domain to which Plaintiff has equal access.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request for admission as vague, ambiguous, and overly broad, which renders this particular request unintelligible. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Defendant further objects to this request as it is overly broad in that it is not limited in time nor

scope either to time periods when Plaintiff allegedly worked, nor the areas within any of Defendant's premises where Plaintiff allegedly worked.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request for admission as vague, ambiguous, and overly broad, which renders this particular request unintelligible. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrases "health and safety practices" and "implemented by contractors" vague, ambiguous and overly broad, which renders this particular request unintelligible, which renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site or activity about which Plaintiff is inquiring.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which

Plaintiff is inquiring. Defendant further objects to this request for admission to the extent that the term "protect" is vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects as this request assumes Plaintiff was exposed to asbestos on Defendant's premises, which is denied. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendants," and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome and harassing. Defendant further objects to this request as it constitutes a non-specific "fishing expedition" which is impermissible under Texas law.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos, which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos, which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

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 for admission as served on Defendant in

contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

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 Plaintiffs asbestos-related injury.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this

request without leave of court after hearing.

Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises, that he was exposed to asbestos, that plaintiff has an asbestos related injury, and that Defendant failed to reduce or eliminate the risk of harm, all of which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises, that he was exposed to asbestos, that plaintiff has an asbestos related injury, and that Defendant failed to reduce or eliminate the risk of harm, all of which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR PRODUCTION NO. 56:

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 insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific

task, work site, time period, or activity about which Plaintiff is inquiring; Plaintiff has not identified any specific work site or time periods in which he was worked on Defendant's premises and, therefore, Defendant is unable to respond at this time. Discovery is continuing. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, please see documents provided in response to earlier requests and supplements, as well as the testimony of witnesses in the case.

REQUEST FOR PRODUCTION NO. 57:

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 insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4. At this time, Defendant does not acknowledge that Plaintiff has an asbestos-related injury and discovery is continuing as to what asbestos exposures he may have had on other premises. Discovery is continuing.

Subject to these objections, see Plaintiff's pleadings, testimony, work history, discovery responses, medical records and expert testimony, all of which is available for inspection at the offices of Defendants counsel at any mutually convenient time.

REQUEST FOR PRODUCTION NO. 58:

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 as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant does not yet have enough information to finalize its contentions. Discovery is continuing.

Subject to these objections, see medical records and expert reports and testimony, which will be available for inspection at the offices of Defendants counsel at any mutually convenient time.

REQUEST FOR PRODUCTION NO. 59:

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 as it is overly broad, over burdensome, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring; Plaintiff has not identified any specific work site or time periods in which he was worked on Defendant's premises and, therefore, Defendant is unable to respond at this time. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Discovery is continuing.

Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, please see documents provided in response to earlier requests and supplements, as well as the testimony of witnesses in the case.

REQUEST FOR PRODUCTION NO. 60:

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 it is overly broad, burdensome. It is not limited by time or location and constitutes a “fishing expedition”. It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR PRODUCTION NO. 61:

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 it is overly broad and burdensome. It is not limited by time or location and constitutes a “fishing expedition”. It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

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 for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it calls for a legal conclusion and assumes Plaintiff has or had an asbestos -related illness which is denied. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Defendant objects to this request for admission as served on Defendant in contravention of standing order No. 1 which specifically prohibits Plaintiff serving this request without leave of court after hearing.

Defendant further objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 62:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documents 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 or 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 as it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, the El Paso Refinery opened in approximately 1927 as PASOTEX. PASOTEX was a Delaware corporation which was one hundred percent owned by the California Company, a California corporation. In July of 1935,

PASOTEX changed its name to Standard Oil of Texas which was merged into the California company in December of 1960. At that time the company's name was changed to California Oil Company. California Oil Company's name was changed to Chevron Oil Company effective July 1, 1965. The name of Chevron Oil Company was changed to Chevron U.S.A., Inc. effective January 1, 1977. Chevron U.S.A. Inc., a California Corporation, was merged into Gulf Oil Corporation, a Pennsylvania Corporation, on July 1, 1985. On the same date Gulf Oil Corporation changed its name to Chevron U.S.A. Inc., a wholly owned subsidiary of Chevron Corporation. Chevron Products Company is a division.