

CAUSE NO. 00-07925-F

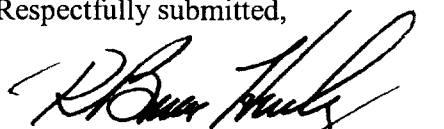
JAMES A. BARKLEY, et al.	§	IN THE DISTRICT COURT OF
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, et al.	§	116 th JUDICIAL DISTRICT

**DEFENDANT ATLANTIC RICHFIELD COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFF ERNEST LAYFATTE BEALL'S
FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND
FIRST REQUEST FOR ADMISSIONS**

TO: All plaintiffs asserting claims against Atlantic Richfield Company (Individually and as Successor-in-Interest to Sinclair Oil Corporation), including Ernest Layfatte Beall, by and through their attorneys of record, Lou Thompson and/or Elizabeth Schick, Baron & Budd, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219, Facsimile (214) 520-1191.

ATLANTIC RICHFIELD COMPANY ("ARCO"), pursuant to Texas Rules of Civil Procedure, files its Objections and Answers to Plaintiffs' First Set of Interrogatories, First Request for Production, and First Request for Admissions. Defendant's Objections and Answers to Interrogatories and Responses to Requests for Production and Admissions are made for the purpose of this pending action only and subject to their Motion to Transfer Venue. Defendant's Objections, Answers, and Responses are attached.

Respectfully submitted,



R. Bruce Hurley
State Bar No. 10311400
Robert E. Meadows
State Bar No. 13885700
KING & SPALDING
1100 Louisiana, Suite 3300
Houston, Texas 77002-5219
713/751-3200 - Fax: 713/751-3290

HAWKINS & PARNELL, L.L.P.
Albert H. Parnell
State Bar No. 00789876
4000 Suntrust Plaza
303 Peachtree Street, NE
Atlanta, Georgia 30308-3243

ATTORNEYS FOR DEFENDANT
ATLANTIC RICHFIELD COMPANY
(Individually and as Successor-in-Interest
to Sinclair Oil Corporation)

CERTIFICATE OF SERVICE

I certify that on this 13th day of August, 2001, a true and correct copy of the foregoing has been served via facsimile and/or U.S. mail and/or certified mail, return receipt requested, to:

Via Certified Mail, RRR

Lou Thompson
Elizabeth R. Schick
Baron & Budd, P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Via Facsimile and/or U.S. Mail

All Known Counsel of Record (Filing Letter Only)



R. Bruce Hurley

PRELIMINARY STATEMENT

The Atlantic Refining Company, a Pennsylvania corporation, was incorporated on April 29, 1870. Richfield Oil Corporation, a Delaware corporation, was incorporated on November 14, 1936. On January 3, 1966, Richfield Oil Corporation merged into The Atlantic Refining Company. The Atlantic Refining Company, the surviving corporation, then changed its name to Atlantic Richfield Company. On March 4, 1969, Sinclair Oil Corporation merged into Atlantic Richfield Company, with Atlantic Richfield Company as the surviving corporation. Atlantic Richfield Company ("ARCO") or its predecessors, has in various capacities, owned chemical plants and refineries in Jefferson and Harris counties in years past.

By January 1989, ARCO had sold or otherwise transferred the ownership of all of these plants or refineries to other entities. At this time, ARCO neither owns nor operates any plants or refineries which qualify as "DEFENDANT'S PREMISES." For this reason, ARCO does not have information regarding the present operation of these plants and refineries. In some instances, ARCO does not have any information about the operation of the premises since the date of sale. Additionally, many of the historical and operating records that were and presumably are a part of the operating entity remained with the purchaser. In these instances, ARCO has no access to the documents and has no way of securing information presently controlled by the purchaser.

These responses are based upon the information ARCO has been able to obtain to date from its historical records and from discovery produced by other defendants and parties in litigation. ARCO is continuing to investigate these matters and will supplement these responses as new information is obtained. ARCO reserves the right to amend or modify these responses in light of subsequently obtained information.

According to Plaintiff's petition in this action, only one of the ten (10) named Plaintiffs, Ernest Layfatte Beall alleges asbestos exposure on a premises owned and/or operated by ARCO or any company which existed prior to the formation of ARCO. In this respect, the only information disclosed by the plaintiff to date is the allegation that he was exposed to asbestos while working at an ARCO facility in Pasadena, Texas. Plaintiff has failed to identify the specific facility and/or time period he alleges to have worked at and has failed to provide the work history sheets, that he represented were being or would be provided in Plaintiff's responses to Defendant ARCO's discovery requests.

Based upon Plaintiff's failure to indicate the specific facility owned by ARCO or ARCO's predecessors in which he worked at and the time period he allegedly worked there, ARCO is unable to provide substantive responses to many of plaintiff's discovery requests. Because plaintiff's interrogatories and document requests are not limited to specific premises and time periods, such requests are overly broad, unduly burdensome, and objectionable. ARCO therefore objects to plaintiff's discovery to the extent that it seeks information not limited to the specific premises and time periods that plaintiff Ernest Layfatte Beall allegedly worked at a facility owned by ARCO or its predecessors. Accordingly, ARCO will respond to this discovery to the extent possible and supplement these responses as such information is obtained.

OBJECTIONS TO PLAINTIFFS' MASTER INTERROGATORIES

ARCO objects to each Interrogatory that is not specifically limited to the time frame that plaintiff Ernest Layfatte Beall allegedly worked on a premises that was operated by ARCO or one of its predecessors. ARCO objects that any interrogatory not limited to the specific time frame that the plaintiff allegedly worked on a premises owned by ARCO or its predecessors is overly broad, burdensome, not relevant, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.

ARCO objects to plaintiff's "Definitions" and "Instructions" sections of plaintiff's master set of Interrogatories to the extent such "Definitions" and "Instructions" seek to change, alter, expand or modify the Texas Rules of Civil Procedure, in particular Rules 192, 193, and 197. Further, Defendant objects because certain of the "Definitions" and "Instructions" are vague, ambiguous, overly broad, unduly burdensome and change the ordinary and common meanings of words. Defendant objects to this discovery being directed to any entity other than Defendant, as being outside the scope of the Texas Rules of Civil Procedure. Defendant will respond to the plaintiff's discovery pursuant to the Texas Rules of Civil Procedure.

ARCO objects to each Interrogatory that relates to a plant or plants other than those plants at which plaintiff Ernest Layfatte Beall allegedly worked. Each Interrogatory that inquires about plants other than the plant or plants at which plaintiff allegedly worked is overly broad, burdensome, harassing, irrelevant, and not reasonably calculated to lead to discovery of admissible evidence.

ARCO objects to each of plaintiff's Interrogatories that exceeds twenty-five (25) as they violate Tex. R. Civ. P. Rule 190.2 and 190.3 in that they exceed 25 written interrogatories, since each discreet part of an Interrogatory is considered a separate Interrogatory.

ARCO objects to each Interrogatory to the extent it calls for information or documents protected from discovery by all applicable privileges and exemptions from discovery, including, but not limited to the attorney-client, work-product, consulting expert, investigation, trial preparation, physician-patient, and anticipation of litigation privileges.

RESPONSES TO INTERROGATORIES

ARCO notes that the Plaintiff has attempted to submit definitions to govern this Defendant's answers. ARCO rejects the Plaintiff's submission for "Defendant's Premises At Issue" and "Time Period At Issue." These phrases attempt to be terms of art. Unfortunately, when Plaintiff's testimony and answers to discovery are reviewed, there are many inconsistencies and ambiguities that are at odds with the terms that are defined in Plaintiff's request for purposes of answering discovery.

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating, or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

Defendant objects to this interrogatory to the extent that it seeks to obtain information regarding each secretary, file clerk, or other employee who incidentally provided documents or located information used in answering these interrogatories. For the most part, these interrogatories inquire into time periods for which current employees have no personal knowledge and the answers provided herein are based upon such information as Defendant has been able to obtain to date from its historical records. The person primarily contributing to Defendant's answers was:

Ingrid K. Calle, Esq., Counsel for ARCO
Tropio & Morlan
6928 Owensmouth Avenue, 2nd Floor
Canoga Park, CA 91303-2003
(818) 883-4000

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract:

1. asbestosis;
2. lung cancer; and
3. mesothelioma.

ANSWER:

Defendant objects to this request as overly broad and unduly burdensome. Subject to the foregoing and without waiving the same, ARCO incorporates its Preliminary Statement and refers Plaintiff to ARCO's production of documents. ARCO further responds as follows:

ARCO, formed in 1966 from the merger of Atlantic and Richfield, cannot, at this time, say by what means it became aware of any particular causal link between exposure to asbestos at a specific dose level and asbestosis, lung cancer, or mesothelioma. ARCO believes that individuals in corporate safety and health inquired into asbestos safety and health issues at some time between 1966 and 1970, but it is unable at this time to give an exact date. ARCO believes that its knowledge would have come from publications, but cannot identify which publication would have been the first.

As to general time frames, ARCO states that the medical literature has slowly developed information about the health effects of asbestos exposure in specific occupations at specific dosage levels. The medical and scientific literature reported that inhalation of asbestos fibers under the specific conditions of exposure and at specific dose levels in the asbestos mining and textile industries could cause asbestos-related disease. This literature did not reveal any information that exposure conditions existing in refineries might produce any asbestos related disease. At some time prior to 1975, ARCO had knowledge of reports of a causal connection between asbestos and mesothelioma.

Persons who may have knowledge of relevant facts concerning this inquiry are listed in Defendant ARCO's response to Interrogatory No. 7.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership;
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization;
- c. the meetings they attended; and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

Defendant objects to this request as overly broad and unduly burdensome. Defendant further objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and refers Plaintiff to ARCO's production of documents. ARCO further responds as follows:

ARCO does not have sufficient information to identify all the organizations to which the company or its individual employees belonged. Currently available information indicates: The Atlantic Refining Company joined the American Petroleum Institute ("API") in 1949. Atlantic Richfield Company, Inc., the present company, became a member of API in 1966, following the merger of The Atlantic Refining Company and Richfield Oil Corporation, and membership continued throughout the time it owned the facility or facilities at issue in this lawsuit.

The Atlantic Refining Company joined the National Petroleum Refineries Association ("NPRA") by at least 1959. Atlantic Richfield Company, the present company, became a member of NPRA in 1968, following the merger of The Atlantic Refining Company and Richfield Oil Corporation, and continued throughout the time it owned the facility or facilities at issue in this lawsuit.

The Atlantic Refining Company joined the National Safety Council ("NSC") in 1919. Atlantic Richfield Company, the present company, became a member of NSC in 1966, following the merger of The Atlantic Refining Company and Richfield Oil Corporation, and membership continued throughout the time it owned the facility or facilities at issue in this lawsuit.

The Atlantic Refining Company became a member of the Chemical Manufacturers Association ("CMA") in 1954. In 1966, Atlantic Richfield Company was formed from the merger of The Atlantic Refining Company and Richfield Oil Corporation. In 1966, ARCO Chemical Company (a division of ARCO), was formed and became a member of CMA. Atlantic Richfield Company ceased being a member of the CMA in approximately June of 1987 when ARCO Chemical Company became a subsidiary and separate corporate entity.

In 1970, ARCO Chemical Company (a division of ARCO) became a member of the Texas Chemical Council ("TCC"). Atlantic Richfield Company ceased being a member of TCC in approximately June of 1987 when ARCO Chemical Company became a subsidiary and separate corporate entity.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published (including by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research to asbestos or its effects on animals or humans, populations at risk), and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and

for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Defendant objects to this request as overly broad and unduly burdensome. Defendant further objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and refers Plaintiff to ARCO's production of documents.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response:

- a. a description of each asbestos containing product acquired; and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to this Interrogatory for the reason that plaintiff has not identified a specific premises or time period he alleges to have worked at an ARCO or ARCO predecessor owned facility. Defendant objects to this request as overly broad and unduly burdensome and objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and refers Plaintiff to ARCO's production of documents.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure;
- c. Describe what asbestos-containing materials were abated; and
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has not identified a specific ARCO or ARCO predecessor-owned facility. Defendant objects to this request as overly broad

and unduly burdensome and objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement, refers Plaintiff to its list of objections and to ARCO's production of documents. ARCO further responds as follows:

ARCO began an abatement program in the early to mid-1970's. ARCO consulted with, hired, and worked with government officials, industrial hygiene professionals, medical officials, and abatement specialists before establishing its abatement program. Each abatement plan was specifically developed for the particular site. An abatement plan was conceived based on the knowledge and science that existed at the time of the program's conception. Asbestos was removed on an as needed basis. If construction, remodeling or other work was scheduled and would disturb asbestos presently in place, the asbestos was removed so the work could proceed and was replaced with a non-asbestos material. Also, if asbestos was damaged or deteriorating, it was removed. The removal may have extended beyond the immediate construction area if that was deemed appropriate. In keeping with then current industrial hygiene and scientific opinion, undamaged encapsulated asbestos was allowed to remain in place. As far as ARCO can determine at this time, some encapsulated and identified "asbestos-containing materials" were still in place at some of its premises at the time ARCO divested itself of those premises.

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and to the term "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he was allegedly exposed to asbestos. Defendant objects to this request as overly broad, unduly burdensome and thus not reasonably likely to lead to the discovery of admissible evidence. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement, refers Plaintiff to its production of documents, and responds as follows:

From 1945 until 1966, Sinclair, Atlantic, and Richfield each employed doctors and medical personnel at various facilities. The precise duties of these people depended on the facility at which they worked. The remaining records do not list the names and addresses of each of these individuals, some of whom were independent contractors in private practice. The following names and addresses are based on current information, and this information may be supplemented as further information is developed. The information available at this time is divided into the following sections:

- A) Individuals with knowledge of relevant facts concerning ARCO's corporate medical department;
- B) Individuals with knowledge of relevant facts concerning respiratory protection at the corporate level;
- C) Individuals with knowledge of relevant facts at the corporate level, generally;

A) Individuals with knowledge of relevant facts concerning ARCO's corporate medical department:

- 1. Dr. Melvin Plancey
630 Arbolada Drive
Arcadia, CA 91006
- 2. Dr. Robert H. Lang
P.O. Box 496
Chincoteague, VA 23336
- 3. Kern Linder (deceased)
- 4. Menard M. Gertler, M.D.
Whereabouts unknown

B. Individuals with knowledge of relevant facts concerning respiratory protection at the corporate level:

- 1. James M. Bachman - may be contacted through counsel.
- 2. Lawrence R. Birkner - may be contacted through counsel.
- 3. M. Scott, Jr. - may be contacted through counsel.
- 4. Dewey Norris - address unknown.

C. Individuals with knowledge of relevant facts at the corporate level, generally:

- 1. James M. Bachman - may be contacted through counsel
- 2. Lawrence R. Birkner - may be contacted through counsel
- 3. Dr. Melvin Plancey
630 Arbolada Drive
Arcadia, CA 91006
- 4. Dr. Robert H. Lang
P.O. Box 496
Chincoteague, VA 23336
- 5. Kern Linder (deceased)
- 6. William G. Eissler - may be contacted through counsel
- 7. Donald F. Wilson (deceased)
- 8. MacGregor Scott - may be contacted through counsel

9. Dewey Norris - address unknown
10. Menard M. Gertler, M.D. - address unknown

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities induced interface liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers," "project engineers," "company engineers," "project superintendents," "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors;
- b. allowing such contractors access to Defendant's Premises At Issue;
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed;
- d. providing or approving asbestos-containing materials to be used by such contractors; and
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to this Interrogatory for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he was allegedly exposed to asbestos. Defendant objects to this request as overly broad, unduly burdensome and insufficiently limited in time and scope. Defendant further objects to this request as being vague, ambiguous, and compound. Defendant is unclear whether this Interrogatory seeks the names of the Individuals who allowed contractors to enter the gate or the individuals who hired the contractors and authorized their access. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement, refers Plaintiff to its production of documents, and further responds as follows:

The existing records of ARCO, Atlantic, Sinclair, and Richfield do not accurately and definitively reveal this information. ARCO's investigation to date indicates that a number of construction contractors provided services to its premises in Texas at one time or another. ARCO refers Plaintiffs to its production of documents. ARCO is aware that Northwinds Abatement, Inc., the Mundy Companies, Star-Adair, Kevin & Daniel, EIS, Brown & Root,

Austin Industries, and Mason Construction, Inc. are among the contractors who have removed materials containing asbestos from some of its premises.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please: state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendant's Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to this Interrogatory for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. Subject to and without waiving the foregoing objections, See Defendant's Response to Interrogatory No. 7, Defendant's Preliminary Statement, and document production of ARCO. Defendant further responds as follows:

Prior to 1966, ARCO's *predecessor corporations* employed full time nurses, off and on-site physicians, and industrial hygienists (IH) and had medical and safety departments at the corporate level after the merger and at the individual refinery facilities. ARCO's corporate safety department began in 1966 when ARCO hired Greg Scott as Director of Corporate Safety. Prior to 1966, ARCO did not exist as a corporate entity and therefore had no asbestos policy. Jim Bachman was hired in 1971 as ARCO's first Industrial Hygienist, whose goal was to prepare ARCO, in advance, for the implementation of OSHA regulations. Larry Birkner became ARCO's senior Industrial Hygienist in 1980. ARCO was divested of ownership of the last applicable facility in 1988.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them);
- b. when they were given, if ever;

- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.);
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. Defendant objects to this request as overly broad and unduly burdensome. Defendant further objects to this request as vague, ambiguous, and compound. Subject to the foregoing objection and without waiving the same, ARCO refers Plaintiff to its production of documents and preliminary statement and further responds as follows:

ARCO warned its employees and contract workers at various refineries of the potential hazards to human health posed by asbestos in 1972, and ARCO may have provided warnings at some time between 1966 and 1972. ARCO began to become aware of scientific and medical information about asbestos and asbestos health issues following its incorporation in 1966. ARCO does not believe that prior to 1966, and 1969, respectively, Atlantic, Richfield, and Sinclair had any reason to believe that asbestos-containing insulation products posed any hazards to human health under the exposure conditions that existed at these plants. Employees and contract workers were advised that asbestos was probably present in the insulation at the plants and the contract workers were required to follow applicable OSHA removal regulations. ARCO refers Plaintiff to its production of documents for further information on the specific asbestos policies.

INTERROGATORY NO. 11:

If Defendant has or had or maintained in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

Defendant objects to this interrogatory request as overly broad and unduly burdensome. Defendant further objects to this request as vague, ambiguous and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and refers Plaintiffs to ARCO's document production.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used;
- b. from whom you purchased the asbestos fiber used; and
- c. a description of the process in which the asbestos was used.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an-ARCO predecessor or the time period in which he alleges asbestos exposure. Defendant objects to this request as overly broad, unduly burdensome. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. ARCO further responds as follows:

ARCO has no records internally or from Atlantic, Sinclair, and Richfield from which to accurately and definitely determine this information. Asbestos insulating materials and gaskets would have been used in certain areas of various refineries owned by ARCO. Asbestos gloves, cloth and asbestos-containing materials (such as tile, transite, etc) would also have been used on various premises. ARCO only has limited information regarding the specific products or their manufacturers, and refers Plaintiffs to its production of documents.

INTERROGATORY NO. 13

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises; and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

ARCO incorporates its objection to the terms "Time Period At Issue" and further objects to the use of this term for the reason that plaintiff has failed to indicate a time period in which he was allegedly exposed to asbestos at any facility owned by ARCO or an ARCO predecessor. Defendant further objects to this request as overly broad and unduly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence. Defendant further objects to this request as vague, ambiguous, and compound. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement and further refers plaintiff to its response to Interrogatory No. 12.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained;
- b. by whom such tests were performed; and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to this Interrogatory for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. Defendant further objects to this request as overly broad and unduly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence. Defendant further objects to this request as vague, ambiguous, and compound. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement and further responds as follows:

Asbestos air sampling and monitoring was conducted in various plants owned by ARCO and its predecessors. The sampling devices and techniques employed would have been the most effective available at the time of the sampling. ARCO refers Plaintiff to its production of documents which includes all air sampling and monitoring data located to date.

ARCO's investigation to date indicates that at various times personal and area monitoring have been conducted and thus, exposures have been evaluated to see if monitoring or protection was appropriate. The dusts in question include catalysts, gunnite, silica, asbestos and resins, but

would vary from premises to premises. The type of monitoring would also vary from premises to premises, depending on the plant operations. Some monitoring would be for specific dusts and fibers and other monitoring would be for total dust or fibers.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate:

- a. when such was first provided to your employees, contractors, and/or invitees and to whom;
- b. under what circumstances such were provided; and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed; and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

ARCO incorporates its objection to the terms "Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that the plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he was allegedly exposed to asbestos. Subject to and without waiving the same, Atlantic, Sinclair, and Richfield instituted safety and medical programs available to employees and contractors at their plants as early as 1937. Yearly medical exams/physicals were conducted at specific facilities and safety manuals were in effect from this time. By 1952, safety meetings on dusts were in effect, although none specifically related to asbestos. By 1955, Sinclair employees used respiratory protection for dust exposure. Respiratory protection for dust exposure would also protect against asbestos dust exposure. ARCO believes that respiratory protection was provided at Sinclair, Atlantic, and Richfield facilities prior to 1970. Between the years of 1955-1978, exhaust ventilation was used for jobs involving dusts and pipe-fitters were requested to use respiratory equipment, including masks, at monthly held safety meetings and prior to beginning any work at these facilities.

ARCO used respirators recommended and approved by OSHA and/or NIOSH. These included, but are not limited to Scott and Survive-Air Self-Contained Breathing Apparatuses, North and Survive-Air Purifying Respirators, cartridge respirators, Dust Foe Respirators, and 3M 8710, 8712, and 8725 respirators. ARCO had programs on the selection, use and application of the respirators and the OSHA regulations regarding respiratory protection. ARCO refers

Plaintiffs to its production of documents for more specific information about respiratory protection.

Individuals with knowledge concerning respiratory protection at the corporate level are as follows:

1. James M. Bachman - may be contacted through counsel.
2. Lawrence R. Birkner may be contacted through counsel.
3. M. Scott, Jr. - may be contacted through counsel.
4. Dewey Norris - address unknown.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant state and federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. ARCO objects to this request as overly broad and unduly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence and further objects to this request as vague, ambiguous, and compound. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. Defendant objects to this request to the extent it requests information protected by the attorney-client and attorney work product privileges and/or to the extent it calls for a legal opinion. Defendant objects because complying with this interrogatory would require ARCO to create documents that do not currently exist. Defendant objects because the information requested is available equally to the Plaintiff.

INTERROGATORY NO. 17:

For any of Defendant's Premises At issue, detail every occasion during the Time Period At Issue when any state, federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant state, federal, or local health and safety regulations.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to this request as overly broad and unduly burdensome for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. Defendant further objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and further refers Plaintiffs to the OSHA web-site and to its production of documents.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim
- c. The name and address of the attorney representing such claimant.

ANSWER:

Defendant objects to this request as overly broad and unduly burdensome, irrelevant, and not reasonably likely to lead to the discovery of admissible evidence. Defendant further objects to this request as vague, ambiguous, and compound. Subject to this objection and without waiving the same, ARCO incorporates its Preliminary Statement and objections and further responds as follows: ARCO refers Plaintiffs to its production of documents for a copy of its first asbestos workers compensation claim.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendant's Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to this Interrogatory for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in

which he alleges asbestos exposure. Subject to and without waiving the same, ARCO refers Plaintiff to its Preliminary Statement.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Venue is improper in Dallas County, Texas for the reasons stated by ARCO in its Preliminary Statement, as well as for the reason that at all relevant times, ARCO's principal place of business within this state for purposes of venue has been Harris and/or Collin Counties. ARCO does not have three significant business locations within the State of Texas for purposes of venue. Further, plaintiff's allegations establish venue in Harris County.

CAUSE NO. 00-07925-F

JAMES A. BARKLEY, et al.	§	IN THE DISTRICT COURT
vs.	§	
	§	OF DALLAS COUNTY, TEXAS
GAF CORPORATION, et al.	§	
	§	116 th JUDICIAL DISTRICT
	§	
	§	
	§	

VERIFICATION

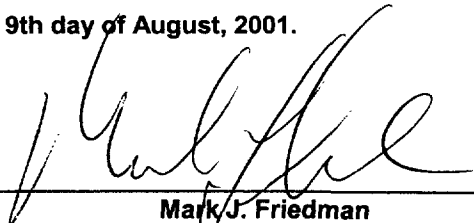
I, Mark J. Friedman, hereby attest that I am the duly appointed Assistant Secretary of Atlantic Richfield Company and in this capacity am authorized to make this verification.

The information set forth in the attached DEFENDANT ATLANTIC RICHFIELD COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF ERNEST LAYFATTE BEALL'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS was gathered and collated by persons in the employ of Atlantic Richfield Company, under the direction of the Legal Department, from the records and files kept by Atlantic Richfield Company. Said persons have advised me that said responses, truly and correctly reflect the contents of records of Atlantic Richfield Company with respect to the subject matter of the attached DEFENDANT ATLANTIC RICHFIELD COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF ERNEST LAYFATTE BEALL'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS whereupon I am informed and believe the responses to be true and correct and on that ground allege the responses are true and correct.

20.1

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Los Angeles, California on the 9th day of August, 2001.



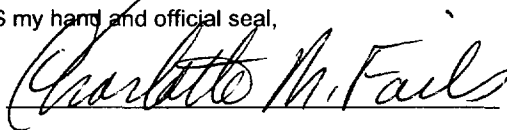
Mark J. Friedman
Assistant Secretary
IKC - M.M.

STATE OF CALIFORNIA }
 } ss.
COUNTY OF LOS ANGELES }

On August 9, 2001 before me, Charlotte M. Fails, Notary Public personally appeared, Mark J. Friedman, personally known to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal,

Signature





2002

RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION

ARCO notes that the Plaintiff has attempted to submit definitions to govern this Defendant's answers. ARCO rejects the Plaintiff's submission for Defendant's "Premises at Issue" and "Time period At Issue." These phrases attempt to be terms of art. Unfortunately, when Plaintiff's testimony and answers to discovery are reviewed, there are many inconsistencies and ambiguities that are at odds with the terms that are defined in Plaintiff's request for purposes of answering discovery.

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any premises owned by ARCO or an ARCO predecessor at which plaintiff allegedly worked. Defendant incorporates its master objections, listed in response to Plaintiff's Interrogatories. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiffs allegedly worked at a facility owned by ARCO or an ARCO predecessor. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they

will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any premises owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked or the time period in which he alleges asbestos exposure. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any premises owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked or the time period plaintiff was exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any premises owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked or the time period he was exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any premises owned by ARCO or an ARCO predecessor or the time period plaintiff allegedly worked and was exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor at which he alleges asbestos exposure. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 9:

Please produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises At Issue in the vicinity of asbestos-containing products.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked and was exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 photographs are or have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time. _

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 11:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, please produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts."

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 13:

Please produce all documents that indicate asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor where he allegedly worked and alleges asbestos exposure. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing,

not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 16:

Please produce all documents used, referred to or relied upon in answering any Interrogatories.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 17:

Please produce any and all documents and other intangible 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 incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 document retention policies have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts 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) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant

and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 20:

Please produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the Plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiffs allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the Plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff an any time during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-rays reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor at which he alleges asbestos exposure. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure. Defendant further objects given that there is no evidence that Plaintiff Ernest Layfette Beall was employed by ARCO or an ARCO predecessor.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor at which he alleges asbestos exposure. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure. Defendant further objects given that there is no evidence that Plaintiff Ernest Layfette Beall was employed by ARCO or an ARCO predecessor.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant further objects to this interrogatory as being premature. Subject to these objections and without waiving the same, incorporates its Preliminary Statement and agrees to provide any and all demonstrative evidence either in accordance with a pre-trial order, appropriate order of the court, or agreement before exhibition to a jury.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant

incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 photographs have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individual's claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure and not limited to lawsuits or workers' compensation claims involving claims that are the same or similar to those being asserted in this lawsuit. ARCO would further show that it does not keep its records in such a way that this information is readily available. Defendant would have to search each of its existing archived lawsuits and workers' compensation files to determine if a similar claim was being asserted.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. ARCO's first workers' compensation and premises liabilities claims will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

ARCO incorporates its objection to the terms "Time Period At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he was allegedly exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed answer.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant further objects to this request on the grounds it is excessive, overly broad, vague, harassing, and premature. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. Defendant agrees to provide any and all exhibits to be used at the time of trial either in response to a pre-trial order requiring both sides to produce such documents, pursuant to an appropriate court order, or by agreement before exhibition to the jury.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 discoverable documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 discoverable documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 35:

Please produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor at which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such plant. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 36:

Please produce all documents which contain complaints by employees of Defendant at the Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such plant. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents containing complaints about asbestos or dust have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 37:

Please produce all documents which contain complaints by Union representatives of Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such plant. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents containing complaints about asbestos or dust have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which plaintiff was allegedly exposed to asbestos. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 39:

Please produce all documents which evidence Defendant's net worth, including, but not limited to, all "10-K" forms filed for the last five (5) years.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. ARCO's 10-K forms for the last five years will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such plant. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked or the time period in which plaintiff alleges asbestos exposure. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation 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:

ARCO incorporates its objection to the terms "Time Period At Issue" and further objects to this Interrogatory for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period in which he alleges asbestos exposure. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant 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 incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there making

it impossible to know if ARCO should have been sued at all. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue" and further objects to the use of these terms for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked or the time period in which he alleges asbestos exposure. Defendant incorporates its Objections. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure. Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which he allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial process at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which he allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in anyway to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents relating to asbestos or dust have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents relating to asbestos or dust have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for Plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Time Period At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify a time period in which he alleges asbestos exposure at any facility owned by ARCO or an ARCO predecessor. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants where Plaintiff allegedly worked. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they

will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor on which plaintiff allegedly worked. Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the time period when Plaintiff allegedly worked at such facility. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSION AND FURTHER REQUESTS FOR PRODUCTION

ARCO notes that the Plaintiff has attempted to submit definitions to govern this Defendant's answers. ARCO rejects the Plaintiff's submission for Defendant's "Premises at Issue" and "Time period At Issue." These phrases attempt to be terms of art. Unfortunately, when Plaintiff's testimony and answers to discovery are reviewed, there are many inconsistencies and ambiguities that are at odds with the terms that are defined in Plaintiff's request for purposes of answering discovery.

REQUEST FOR ADMISSION NO. 1:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post-1966.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit," produce all documents which support your response, including any documents which you believe support a

denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant incorporates the objections listed in response to Plaintiff's First Request for Production of Documents. ARCO further objects in that Plaintiff Beall has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR ADMISSION NO. 3

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO denies this request. ARCO performed air monitoring tests. Plaintiffs are referred to ARCO's production of documents.

REQUEST FOR PRODUCTION NO. 62:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue:

RESPONSE:

ARCO objects to this request for production in that it requests ARCO to admit or deny facts, which is an improper use of a request for production. ARCO further incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to the foregoing objections and without waiving the same, ARCO denies this request because ARCO

performed air monitoring tests and the RESULTS OF THE AIR MONITORING TESTS MAY SHOW NO EXPOSURE TO THE PLAINTIFF. Plaintiff is referred to ARCO's production of documents.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Defendant incorporates the objections listed in response to Plaintiff's First Request for Production of Documents. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to this objection and without waiving the same, ARCO denies this request.

REQUEST FOR ADMISSION NO. 5:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 6:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post-1966.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and because the plaintiff has failed to identify an ARCO/ARCO predecessor premises he allegedly worked at or time period in which he was exposed to asbestos. Subject to and without waiving the same, ARCO admits that it followed OSHA and that it placed CAUTION and WARNING signs in the appropriate places. Please refer to the ARCO Production of documents.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and because the plaintiff has failed to identify an ARCO/ARCO predecessor premises he allegedly worked at or time period in which he was exposed to asbestos.

REQUEST FOR ADMISSION NO. 10:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the

inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960's.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970's.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue” and “Time Period At Issue.” ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff’s failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant’s Premises At Issue in the 1990s.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue” and “Time Period At Issue”. ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff’s failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO does admit that asbestos containing products were used at some times in some places at the facilities operated by predecessors prior to 1966 and by ARCO at some times and in some places post 1966. ARCO did not own these premises in the 1990’s, so it does not have sufficient information to admit or deny this request.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not provide to contractors working at Defendant’s Premises At Issue health and safety procedures relating to the use of asbestos at Defendant’s Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue” and “Time Period At Issue”. ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff’s failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO hired expert contractors who held themselves out to be experts in their respective fields. ARCO expected the contractors to fulfill their expertise by hiring people who are experts as employees and providing them with appropriate information in the language they could understand. ARCO expected the contractor to be aware of the work in his surroundings and either control exposures to any dust or agent within their control or bring any other exposures to the attention of ARCO.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO hired expert contractors who held themselves out to be experts in their respective fields. ARCO expected the contractors to fulfill their expertise by hiring people who are experts as employees and providing them with appropriate information in the language they could understand.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: -

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO conducted safety meetings at regularly scheduled intervals and contractors were required to attend meetings prior to commencing work on ARCO's premises. ARCO hired expert contractors who held themselves out to be experts in their respective fields. ARCO expected the contractors to fulfill their expertise by hiring people who are experts as employees and providing them with appropriate information in the language they could understand. ARCO expected the contractor to be aware of the work in his surroundings and either control exposures to any dust or agent within their control or bring any other exposures to the attention of ARCO.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period at Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to

asbestos. Subject to and without waiving the same, ARCO conducted safety meetings at regularly scheduled intervals and contractors were required to attend safety meetings prior to commencing work on ARCO's premises. ARCO hired expert contractors who held themselves out to be experts in their respective fields. ARCO expected the contractors to fulfill their expertise by hiring people who are experts as employees and providing them with appropriate information in the language they could understand.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO hired expert contractors who held themselves out to be experts in their respective fields. ARCO expected the contractors to fulfill their expertise by hiring people who are experts as employees and providing them with appropriate information in the language they could understand. ARCO expected the contractor to be aware of the work in his surroundings and either control exposures to any dust or agent within their control or bring any other exposures to the attention of ARCO.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE:

Defendant incorporates the objections listed in response to Plaintiff's First Request for Production of Documents. ARCO further objects in that Plaintiff Beall has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR ADMISSION NO. 21:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because it has not owned the plants at issue since 1988.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because it has not owned the plants at issue since 1988.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue". ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO refers Plaintiff to its response to Interrogatory No. 13.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO refers Plaintiff to its response to Interrogatory No. 13.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to the foregoing and without waiving the same, Denied. Plaintiff is referred to ARCO's production of documents.

REQUEST FOR ADMISSION NO. 28

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff and plaintiff's failure to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO denies this request because air monitoring tests were performed. Plaintiff is referred to ARCO's production of documents.

REQUEST FOR ADMISSION NO. 29:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO lacks sufficient information to admit or deny at this time. ARCO hired contractors who were experts in their respective fields to perform work on its premises. ARCO expected that the contractors would hire professional/expert employees and train those employees to perform the work. ARCO expected that the contractors and their employees would be able to effectively communicate on its premises. ARCO expected its business invitees to be able to communicate effectively. If an ARCO contractor made it known to ARCO that one of its employees was having trouble communicating or if a business invitee made ARCO aware that there was a communication problem, ARCO would have found a way to effectively communicate with the contractor, the employee, or the business invitee.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving the same, ARCO lacks sufficient information to admit or deny at this time. ARCO hired contractors who were experts in their respective fields to perform work on its premises. ARCO expected that the contractors would hire professional/expert employees and train those employees to perform the work. ARCO expected that the contractors and their employees would be able to effectively communicate on its premises. ARCO expected its business invitees to be able to communicate effectively. If an ARCO contractor made it known to ARCO that one of its employees was having trouble communicating or if a business invitee made ARCO aware that there was a communication problem, ARCO would have found a way to effectively communicate with the contractor, the employee, or the business invitee.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not to provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to and without waiving this objection, DENIED.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and further objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff.

REQUEST FOR ADMISSION NO. 33:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: —

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff's employer to remove asbestos containing materials.

Subject to and without waiving the same, ARCO admits that its predecessors prior to 1966 and ARCO thereafter, for some period of time, hired companies who advertised themselves to be experts in asbestos, who advertised that their employees were experts in asbestos installation and removal, who bought and brought asbestos products to facilities. ARCO relied upon the expertise that they promised. To the extent that ARCO hired professional and expert contractors to remove asbestos, it relied upon the contractor and the promise that the contractor had expert employees to work with asbestos.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff's employer to replace asbestos containing materials.

Subject to and without waiving the same, ARCO admits that its predecessors prior to 1966 and ARCO thereafter, for some period of time, hired companies who advertised themselves to be experts in asbestos, who advertised that their employees were experts in asbestos installation and removal, who bought and brought asbestos products to facilities. ARCO relied upon the expertise that they promised. To the extent that ARCO hired professional and expert contractors to remove asbestos, it relied upon the contractor and the promise that the contractor had expert employees to work with asbestos.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue" and "Time Period At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff's employer to install asbestos containing materials.

Subject to and without waiving the same, ARCO admits that its predecessors prior to 1966 and ARCO thereafter, for some period of time, hired companies who advertised themselves to be experts in asbestos, who advertised that their employees were experts in asbestos installation and removal, who bought and brought asbestos products to facilities. ARCO relied upon the expertise that they promised. To the extent that ARCO hired professional and expert contractors to remove asbestos, it relied upon the contractor and the promise that the contractor had expert employees to work with asbestos.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue.” ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff’s employer to maintain asbestos containing materials on its premises.

Subject to and without waiving the same, ARCO admits that its predecessors prior to 1966 and ARCO thereafter, for some period of time, hired companies who advertised themselves to be experts in asbestos, who advertised that their employees were experts in asbestos installation and removal, who bought and brought asbestos products to facilities. ARCO relied upon the expertise that they promised. To the extent that ARCO hired professional and expert contractors to remove asbestos, it relied upon the contractor and the promise that the contractor had expert employees to work with asbestos.

REQUEST FOR ADMISSION NO. 37:

Admit that your hired or contracted with Plaintiff’s employer to do new construction work at Defendant’s Premises At Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue” and “Time Period At Issue.” ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff’s employer to do new construction on its premises.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired Plaintiff’s employer to do “turnaround” work at Defendant’s Premises at Issue during the Time Period At Issue.

RESPONSE:

ARCO incorporates its objection to the terms “Defendant’s Premises At Issue” and “Time Period At Issue.” ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently specific to allow ARCO to know whether or not it contracted with Plaintiff’s employer to do “turnaround work” on its premises.

REQUEST FOR ADMISSION NO. 39:

Admit that you communicated with Plaintiff’s employer concerning the work to be performed on Defendant’s Premises at Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the extent to which it communicated with the Plaintiff's employer concerning the work to be performed on Defendant's premises.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields.

REQUEST FOR ADMISSION NO. 40:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE: —

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the extent to which it instructed Plaintiff's employer, if at all, concerning the work to be performed on Defendant's premises.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant incorporates its objection to the term "Defendant's Premises At Issue" and objects to the use of this term for the reason that plaintiff has failed to identify any facility owned

by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to the foregoing and without waiving the same, Denied.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Defendant incorporates its objection to the term "Defendant's Premises At Issue" and objects to the use of this term for the reason that plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos. Subject to the foregoing and without waiving the same, Denied.

REQUEST FOR ADMISSION NO. 43:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter, hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter, took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. ARCO's predecessors prior to 1966 and ARCO thereafter would not have indicated to the employer how the work was to have been accomplished.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing, not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. ARCO's predecessors prior to 1966 and ARCO thereafter, would not have indicated to the employer what exact materials were to have been used.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE:

Defendant incorporates its Objections. ARCO further objects in that Plaintiff has failed to limit the scope to the plants and the time period when Plaintiff allegedly worked there. Defendant objects to this request on the grounds it is excessive, overly broad, vague, harassing,

not limited to the matters made the basis of this suit, and therefore seeks documents irrelevant and not reasonably calculated to lead to discovery of admissible evidence as required by Rule 192 and 196 of the Texas Rules of Civil Procedure.

Subject to these objections and without waiving the same, ARCO incorporates its Preliminary Statement. To the extent any pre-1990 documents have been located to date, they will be produced to Plaintiff in ARCO's offices in Los Angeles, California at a mutually agreeable time.

REQUEST FOR ADMISSION NO. 45:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

ARCO can neither admit nor deny this specific request because the evidence in this case is insufficiently developed or specific to allow ARCO to know the specifications that might have been used. Generally, contracts had a time frame during which construction was to be completed. As a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer what materials to use when doing the work.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. In general, ARCO admits that the contracts entered into between ARCO's predecessors prior to 1966 and ARCO thereafter and contractors set forth dates for completion of the work and that a time frame for the contract's completion would have been provided.

REQUEST FOR ADMISSION NO. 50:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence is insufficiently specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. If the General Contractor or ARCO determined that the work done by a contractor was deficient or incorrect, ARCO would either request that the deficiencies be corrected or withhold payment.

Even if ARCO had the power to correct work performed by certain contractors, ARCO hired contractors who had expertise beyond its knowledge, particularly with regard to asbestos, and ARCO relied upon their expertise. In this regard, ARCO would not have exercised its power to change against the expertise of a company and its employees that held itself out as an expert in asbestos, unless ARCO became aware that its own safety rules which the contractor had agreed to follow were being broken.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence is insufficiently specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. If the General Contractor or ARCO determined that the work done by a contractor was deficient or incorrect, ARCO would either request that the deficiencies be corrected or withhold payment.

Even if ARCO had the power to correct work performed by certain contractors, ARCO hired contractors who had expertise beyond its knowledge, particularly with regard to asbestos, and ARCO relied upon their expertise. In this regard, ARCO would not have exercised its power to change against the expertise of a company and its employees that held itself out as an expert in asbestos, unless ARCO became aware that its own safety rules which the contractor had agreed to follow were being broken.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because

the evidence is insufficiently specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields.

ARCO had the power, under certain circumstances, to stop a contractor from working or to request the General Contractor to stop the sub-contractor from work. However, ARCO hired contractors who had expertise beyond its knowledge, particularly with regard to asbestos, and ARCO relied upon their expertise. In this regard, ARCO would not have exercised its power to stop work being done by a company and its employees that held itself out as an expert in asbestos, unless ARCO became aware that its own safety rules which the contractor had agreed to follow were being broken.

REQUEST FOR ADMISSION NO. 53:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence is insufficiently specific to allow ARCO to know the specifications that might have been used.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. ARCO's predecessors prior to 1966 and ARCO thereafter did not observe the work of sub-contractors or the employees of sub-contractors on a daily basis. ARCO's predecessors prior to 1966 and ARCO thereafter, hired contractors who had expertise beyond its knowledge, particularly with regard to asbestos, and relied upon their expertise.

REQUEST FOR ADMISSION NO. 54:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know the specifications that might have been used and/or whether work performed by employees of Plaintiff's employer was inspected during the relevant time period.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter, hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter, took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields. ARCO's predecessors prior to 1966 and ARCO thereafter, did not inspect the work of sub-contractors or the employees of sub-contractors as a general matter.

REQUEST FOR ADMISSION NO. 55:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed or specific to allow ARCO to know whether work performed by employees of Plaintiff's employer was approved by ARCO during this time period.

Subject to and without waiving the same, as a general rule, ARCO's predecessors prior to 1966 and ARCO thereafter hired outside independent construction engineers and architects to design its facilities, suggest procedures, and specific products and services. Generally, ARCO's predecessors prior to 1966 and ARCO thereafter took the plans and specifications generated by its outside construction architects and engineers and submitted them to their General Contractor. The General Contractor, in turn, usually submitted the construction documents to contractors who held themselves out as experts in specific fields.

ARCO's predecessors prior to 1966 and ARCO thereafter did not approve the work of subcontractors or the employees of subcontractors as a general matter, although they had the power to accept work done by contractors. ARCO's predecessors prior to 1966 and ARCO thereafter hired contractors who had expertise beyond its knowledge, particularly about asbestos, and they relied upon such expertise. ARCO's predecessors prior to 1966 and ARCO thereafter

would not have exercised its power to fail to accept work against the expertise of a company and its employees that held themselves out to be experts in asbestos.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

ARCO incorporates its objection to the terms "Defendant's Premises At Issue." ARCO can neither admit nor deny this specific request because of the inaccuracies in the definitions supplied by Plaintiff, because plaintiff has failed to identify any facility owned by ARCO or an ARCO predecessor or the time period he alleges to have been exposed to asbestos, and because the evidence in this case is insufficiently developed. Subject to and without waiving the foregoing objection, Denied.