

CAUSE NO. 90G2055

WELDON R. MOAKE, and JANICE I. § IN THE DISTRICT COURT OF
MOAKE; KEVIN R. MOAKE; DANA R. §
ASHLEY; and MACK K. MOAKE §
v. § BRAZORIA COUNTY, TEXAS
§
OWENS-CORNING FIBERGLAS §
CORPORATION, (a/k/a OWENS CORNING §
CORPORATION), *et al.* § 239TH JUDICIAL DISTRICT

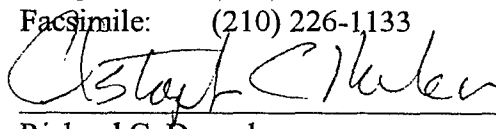
**DEFENDANT KERR-McGEE CORPORATION'S FIRST AMENDED RESPONSE TO
PLAINTIFF WELDON R. MOAKE'S REQUEST FOR DISCLOSURE**

TO: Plaintiff, Weldon R. Moake
By and through his attorneys of record:
Ms. Holly J. Huart
BARON & BUDD, A PROFESSIONAL CORPORATION
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

COMES NOW DEFENDANT Kerr-McGee Corporation (erroneously sued as Kerr-McGee Corporation, Individually and as Successor to Southwestern Oil & Refining Company), and serves this its First Amended Response to Plaintiff Weldon R. Moake's Request for Disclosure.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
800 Alamo Center
106 S. St. Mary's Street
San Antonio, Texas 78205
Telephone: (210) 226-1166
Facsimile: (210) 226-1133



Richard C. Danysh
State Bar No. 05377700
Christopher C. Rulon
State Bar No. 00791580

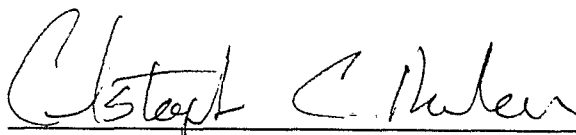
ATTORNEYS FOR DEFENDANT,
KERR-McGEE CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2000, a true and correct copy of the foregoing has been served by certified mail, return receipt requested on:

Ms. Holly J. Huart
BARON & BUDD, A PROFESSIONAL CORPORATION
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

and by regular mail to all counsel on the attached service list.

A handwritten signature in cursive script, appearing to read "Christopher C. Rulon", written over a horizontal line.

Richard C. Danysh
Christopher C. Rulon

**DEFENDANT KERR-McGEE CORPORATION'S RESPONSE TO
PLAINTIFF WELDON R. MOAKE'S REQUEST FOR DISCLOSURE**

REQUEST FOR DISCLOSURE (a): the correct names of the parties to this lawsuit.

RESPONSE: This Defendant does not know the correct names of all parties to this lawsuit. The correct name of this Defendant is Kerr-McGee Corporation.

REQUEST FOR DISCLOSURE (b): the name, address, and telephone number of any potential parties.

RESPONSE: At this stage of the case and discovery, other potential parties include Plaintiff's prior employers, their insurers, the Plaintiff's unions, and Southwestern Refining Company, Inc.

REQUEST FOR DISCLOSURE (c): the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

1. Defendant did not purchase, own, occupy or operate the premises at all or some of the times Plaintiff claims to have been exposed to asbestos fibers. Defendant's subsidiary did not purchase what interests it had in the premises until 1974, and by 1995, Defendant's subsidiary relinquished that interest.
2. Some or all of the Plaintiff's employers did not perform work or services at the refinery and, therefore, Plaintiff was not exposed to asbestos fibers as claimed at the refinery while working for certain of his employers.
3. Plaintiff knew or should have known, through his employers or their unions, of the risks to exposure he now claims Defendant as a premise owner or occupier knew or should have known about.
4. Plaintiff's claimed exposures occurred either entirely or partially at other premises owned, occupied or operated by third parties.

5. Plaintiff's employers who did not carry worker's compensation insurance for those periods Plaintiff claims he was exposed at the refinery may have been negligent in not furnishing that equipment Plaintiff claims should have been furnished to avoid exposure.
6. Pursuant to § 95.003 of the Texas Civil Practice and Remedies Code, Defendant, as a property owner, is not liable for the alleged injuries sustained by Plaintiff, who was an employee of an independent contractor, since: (1) Defendant did not exercise or retain control over the manner in which the work was performed; and/or, (2) Defendant did not have actual knowledge of the danger or condition resulting in Plaintiff's alleged injury and thereby did not fail to adequately warn.
7. Plaintiff's claims are barred by the applicable statutes of limitation, inasmuch as Plaintiff originally filed this suit in 1990, but did not sue this Defendant until 2000.

REQUEST FOR DISCLOSURE (d): the amount and any method of calculating economic damages.

RESPONSE: Not applicable.

REQUEST FOR DISCLOSURE (e): the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

1. Acree, Leroy
Kerr-McGee Corporation
P.O. Box 15861
Oklahoma City, Oklahoma 73125
Employee of Kerr-McGee Corporation, Claims Division.
2. Clark, Roger A.
6214 Boca Raton
Corpus Christi, Texas 78413
(512) 814-8292
Previous employee of Southwestern Refining Company, Inc., Environmental Division.

3. DeYoung, Carolyn (Tuttle)
current address unknown
Previous employee of Southwestern Refining Company, Inc., Industrial Hygienist, Health and Safety Dept.
4. Flores-Skrouppa, Debbie, R.N.
#2 Prairie Ridge
Robstown, Texas 78390
(512) 387-3779
Previous employee of Southwestern Refining Company, Inc., Industrial Nurse, Health & Safety Dept.
5. Gibbs, John, M.D.
Kerr-McGee Corporation
P.O. Box 25861
Oklahoma City, Oklahoma 73125
(405) 270-2909
Current Director of Medical Services, Kerr-McGee Corp.
6. Goltra, Evan, M.D.
(Now retired)
current address unknown
Past Director of Medical Services, Kerr-McGee Corp.
7. Hines, J. C., M.D.
7121 South Padre Island Drive
Corpus Christi, Texas
(512) 886-4158
Contract employee of Southwestern Refining Company, Inc., who performed employee physicals and assisted in on-site emergencies.
8. Moloney, Thomas, M.D.
7406 Up River Road
Corpus Christi, Texas 78409
(512) 289-2890
Contract employee of Southwestern Refining Company, Inc., who performed employee physicals and assisted in on-site emergencies.

9. Norris, Ronald H.
2010 Paul Jones
Corpus Christi, Texas 78412
Previous employee of Southwestern Refining Company, Inc.; Manager, Industrial Relations.
10. Pope, Barbara
address unknown
Lake Charles, Louisiana
Previous employee of Southwestern Refining Company, Inc., Industrial Hygienist, Health and Safety Dept.
11. Renfro, Norman
503 Ridge Bluff
San Antonio, Texas 78216
(210) 545-3831
or
7990 I.H. 10 West
San Antonio, Texas
(210) 370-2000
Knowledge of Southwestern Refining Company, Inc.'s policies and procedures during 1979.
12. Sands, Tom
Koch Refining
Suntide Road
Corpus Christi, Texas 78409
Previous employee of Southwestern Refining Company, Inc., Manager, Administration.
13. Settles, Stephanie
2910 Rorer Circle
Corpus Christi, Texas 78410
(512) 242-2505
Previous employee of Southwestern Refining Company, Inc., Industrial Hygienist, Health and Safety Dept.
14. Charles A. Steen
4953 Cherry Hill Drive
Corpus Christi, Texas 78413
(361) 991-3222
Knowledge of Southwestern Refining Company, Inc.'s policies and procedures during 1979.

15. Voelker, Anita, R.N.
11037 Timbergrove
Corpus Christi, Texas 78410
(512) 241-3494
Previous employee of Southwestern Refining Company, Inc., Industrial Nurse, Health & Safety Dept.
16. Walker, William
6414 Cateau
Corpus Christi, Texas 78414
(512) 993-8051
Previous employee of Southwestern Refining Company, Inc., Manager of Health & Safety Dept.

Additionally, Defendant refers Plaintiff to all witnesses identified by any other party to this lawsuit, including, but not limited to, Plaintiff Weldon R. Moake's health care providers and their custodians of records. The name, address, telephone number and relationship to the case of each of these persons is equally available and known to the Plaintiff as to this Defendant.

REQUEST FOR DISCLOSURE (f): for any testifying expert:

- (a.) the expert's name, address, and telephone number;
- (b.) the subject matter on which the expert will testify;
- (c.) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (d.) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (i.) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (ii.) the expert's current resume and bibliography.

RESPONSE: At the stage of the case and discovery, Defendant has not determined who, if anyone, may be called to testify as an expert. Defendant reserves the right to call any of the expert witnesses identified by any other party to this lawsuit, including, but not limited to, Plaintiff's health care providers and their custodians of records.

REQUEST FOR DISCLOSURE (g): any indemnity and insuring agreements described in Rule 192.3(f).

RESPONSE: At this stage of the case and discovery, Defendant's inquiries into such agreements are ongoing. Defendant may have agreements with some or all of the Plaintiff's employers which include indemnity provisions and/or provisions requiring Plaintiff's employers to name this Defendant as a "named insured" under existing general liability policies.

REQUEST FOR DISCLOSURE (h): any settlement agreements described in Rule 192.3(g).

RESPONSE: At this stage of discovery, none.

REQUEST FOR DISCLOSURE (i): any witness statements described in Rule 192.3(h).

RESPONSE: None, other than any deposition testimony that has been or may be given in this cause of action.

REQUEST FOR DISCLOSURE (j): in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE: None, other than those produced by Plaintiff during discovery in this case.

REQUEST FOR DISCLOSURE (k): in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE: At this stage of the case or discovery, none.

Contact	Company	Address 1	Address 2	City	State	Zip	Phone
Mr. Thomas W. Taylor	Andrews & Kurth, L.L.P.	4200 Chase Tower	600 Travis	Houston	TX	77002	713-220-4200
Mr. Peter A. Moir	Baker Bolts, L.L.P.	2001 Ross Avenue		Dallas	TX	75201	214-953-6500
Ms. Beth McGregor	Bean & Manning	5847 San Felipe Street, Suite 1500		Houston	TX	77057	713-651-1900
Mr. Jamshyd M. Zahed	Bourland, Kirkman, Seidler & Evans	201 Main Street, Suite 1400		Fort Worth	TX	76102	817-336-2800
Mr. Thomas Dougall	Bowers, Orr & Robertson	8910 Two Notch Road, Suite 400		Columbia	SC	29224	803-788-5220
Mr. Richard C. Danysh	Bracewell & Patterson, L.L.P.	800 One Alamo Center	P.O. Box 25389	San Antonio	TX	78205	210-226-1166
Mr. Jerry Deere	Brazoria County, Texas	111 East Locust Street, Suite 500	106 S. St. Mary's Street	Angleton	TX	77515-4678	409-849-5711
Mr. Tom Nye	Brin & Brin, P.C.	1202 Third Street		Corpus Christi	TX	78404	361-881-9643
Mr. Jeffery Mundy	Brobeck, Phleger & Harrison, L.L.P.	301 Congress Avenue, Suite 1200		Austin	TX	78701	512-477-5495
Mr. John T. Ward	Brown McCarroll & Oaks Hartline, L.L.P.	1300 Wortham Tower	2727 Allen Parkway	Houston	TX	77019-2100	713-529-3110
Mr. James M. Riley, Jr.	Coats, Rose, Yale, Holm	800 First City Tower	1001 Fannin	Houston	TX	77002-6707	713-651-0111
Mr. Lewis C. Miltenberger	Cordray, Goodrich & Miltenberger	One Century Plaza, Suite 500	108 W. 8th Street	Fort Worth	TX	76102	817-820-0343
Mr. Frank Harmon	Crain, Caton & James	3300 Two Houston Center		Houston	TX	77010	713-688-2323
Mr. Franklin A. Poff, Jr.	Crisp, Boyd & Poff, L.L.P.	2301 Moores Lane	P.O. Box 6297	Texarkana	TX	75505-6297	903-838-6123
Mr. Mel D. Bailey	DeHay & Elliston, L.L.P.	3500 NationsBank Plaza	901 Main Street	Dallas	TX	75202-3736	214-210-2400
Mr. Gary D. Elliston	DeHay & Elliston, L.L.P.	3500 NationsBank Plaza	901 Main Street	Dallas	TX	75202-3736	214-210-2400
Mr. Jerry Kacal	Dunn, Kacal, Adams, Pappas & Law	2600 America Tower	2929 Allen Parkway	Houston	TX	77019	713-529-3993
Mr. W. Miller Thomas	Fairchild Price Thomas Haley & Willingham L.L.P.	413 Shelbyville Street		Center	TX	75935-1336	409-598-3317
Mr. R. Mark Willingham	Fairchild Price Thomas Haley & Willingham L.L.P.	The Lyric Centre	440 Louisiana, Suite 2110	Houston	TX	77002	713-426-1700
Ms. Mary Lou Mauro	Galloway, Johnson, Tompkins & Burr	3555 Timmons Lane, Suite 1225		Houston	TX	77027	713-599-0700
Ms. Debra S. Fitzgerald	Hallett & Perrin, P.C.	1400 Maxus Energy Tower		Dallas	TX	75201	214-953-0053
Mr. James M. Harris, Jr.	Harris, Lively & Duesler, L.L.P.	550 Fannin Street, Suite 6500		Beaumont	TX	77704	409-832-8382
Mr. B. Stephen Rice	Hays, McConn, Rice & Pickering	1200 Smith Street, Suite 400	P.O. Box 830	Houston	TX	77002	713-654-1111
Mr. Taylor M. Hicks, Jr.	Hicks Thomas & Llienstern, L.L.P.	700 Louisiana, Suite 1700		Houston	TX	77002	713-547-9100
Mr. David Craig Landin	Hunton & Williams	Riverfront Plaza, East Tower	951 East Byrd Street	Richmond	VA	23219-4074	804-788-8200
Mr. Ned Johnson	Johnson, Ferguson & Pipkin	4900 Woodway, Suite 1100		Houston	TX	77056	713-961-3730
Ms. Ellen B. Malow	Kasowitz, Benson, Torres & Friedman, L.L.P.	700 Louisiana, Suite 2200		Houston	TX	77002	713-220-8817
Mr. Larry E. Cotten	Kirkley Schmidt & Cotten, L.L.P.	2700 City Center II	301 Commerce Street	Fort Worth	TX	76102	817-338-4500
Mr. David A. Livingston	Livingston & Miller	Paragon Center One	450 Gears Road, Suite 625	Houston	TX	77067	281-876-3595
Mr. John L. Hill, Jr.	Locke Liddell & Sapp L.L.P.	3400 Chase Tower	600 Travis Street	Houston	TX	77002	713-226-1200
Mr. Clay M. White	Sammons & Parker, P.C.	218 North College		Tyler	TX	75702	903-595-4541
Mr. Robert Keith Drummond	Strasburger & Price, L.L.P.	901 Main Street, Suite 4300		Dallas	TX	75202	214-651-4300
Mr. Richard Walsh	Valero Refining Company, Inc.	P.O. Box 500		San Antonio	TX	78292-0500	210-370-2604
Mr. Ronald B. Walker	Walker, Kelling & Carroll, L.L.P.	210 East Constitution	P.O. Box 108	Victoria	TX	77902	361-576-6800
Mr. Philip Werner	Werner & Kerrigan	1300 Post Oak Boulevard, Suite 2225		Houston	TX	77056	713-626-2233
Mr. Anthony E. Pletcher	White, Huseman & Pletcher	600 Leopard Street, Suite 2100		Corpus Christi	TX	78403-2707	361-883-3663
Mr. Edward M. Carstarphen	Woodard, Hall & Primm	7100 Chase Tower	600 Travis Street	Houston	TX	77002	713-221-3800



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September 5, 2000

Ms. Holly J.W. Huart
BARON & BUDD P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Re: Plaintiffs: Weldon R. Moake, et al.
Defendant: Kerr-McGee Corporation
Case Style: Cause No. 90G2055; *Weldon R. Moake, et al. vs. Owens-Corning Fiberglas Corporation (a/k/a Owens Corning Corporation), et al.*; In the 239th Judicial District Court of Brazoria County, Texas

Dear Ms. Huart:

Enclosed are the following amended discovery documents:

1. Defendant Kerr-McGee Corporation's First Amended Objections and Responses to Plaintiff Weldon R. Moake's First Set of Interrogatories, First Request for Production, and First Request for Admissions; and
2. Defendant Kerr-McGee Corporation's First Amended Response to Plaintiff Weldon R. Moake's Request for Disclosure.

By copy of this letter, I am notifying all counsel of service of the amended discovery responses. Counsel desiring copies of the responses should contact my legal assistant, Ms. Kathy Tower.

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SAN ANTONIO\527064.1



Ms. Holly J.W. Huart
September 5, 2000
Page 2

Please let me know if you have any questions.

Very truly yours,

Bracewell & Patterson, L.L.P.

A handwritten signature in dark ink, appearing to read 'Chris Rulon'.

Chris Rulon

CCR/sd
Enclosures
By Certified Mail, Return Receipt Requested

cc: All counsel of record

Contact	Company	Address 1	Address 2	City	State	Zip	Phone
Mr. Thomas W. Taylor	Andrews & Kurth, L.L.P.	4200 Chase Tower	600 Travis	Houston	TX	77002	713-220-4200
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Mr. Anthony E. Pletcher	White, Huseman & Pletcher	600 Leopard Street, Suite 2100		Corpus Christi	TX	78403-2707	361-883-3563
Mr. Edward M. Carstarphen	Woodard, Hall & Primm	7100 Chase Tower	600 Travis Street	Houston	TX	77002	713-221-3800