

NO. 00-07468-J

DONALD RANDOLPH BURLESON, SR.,	)	
	)	IN THE 191 st JUDICIAL
Plaintiff,	)	
	)	
vs.	)	DISTRICT COURT OF
	)	
GAF CORPORATION, ET AL.	)	
	)	DALLAS COUNTY, TEXAS
Defendants.	)	

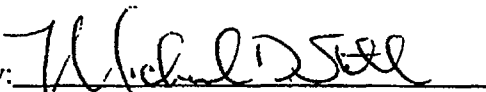
PHELPS DODGE REFINING CORPORATION'S RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES.
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSIONS

Defendant, Phelps Dodge Refining Corporation (PDRC), files these responses to the plaintiff's first set of interrogatories, requests for production and requests for admissions pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

**SCOTT, HULSE, MARSHALL, FEUILLE,
FINGER & THURMOND, P.C.**

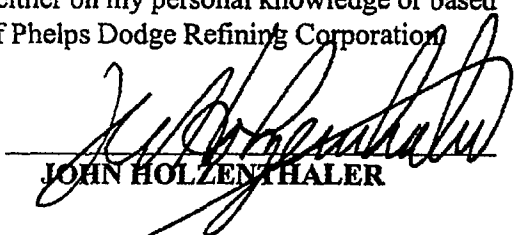
11th Floor
Texas Commerce Bank Building
El Paso, Texas 79901
(915) 533-2493
(915) 546-8333 Telecopier

By: 
JEFFREY S. ALLEY
State Bar No. 01077850
MICHAEL D. STELL
State Bar No. 19140300
Attorney for Phelps Dodge Refining
Corporation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

My name is John Holzenthaler and I am over 18 years of age and am legally competent to attest to this affidavit.

I have reviewed the factual portions of the responses to interrogatories 1 through 20 and can attest the facts stated therein are true and correct based either on my personal knowledge or based on records kept in the ordinary course of the business of Phelps Dodge Refining Corporation


JOHN HOLZENTHALER

SUBSCRIBED AND SWORN TO before me on this 10TH day of August, 2001.

Notary's Official Seal:




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I certify that notice of this document has been mailed by facsimile transmission and/or by U.S. mail to all known counsel of record on August 10, 2001.


MICHAEL D. STELL

GENERAL OBJECTIONS AND CONDITIONS

1. PDRC objects to these discovery requests on the grounds that it has insufficient information from the plaintiff regarding his claim (including the dates or periods during which the plaintiff allegedly worked at any facility allegedly owed by PDRC, the nature and location of the work plaintiff allegedly performed and the identity of the products to which the plaintiff was allegedly exposed, and plaintiff's employer) to adequately investigate the plaintiff's claims and thereby answer this discovery. Ultimately, this suit involves a person employed by a finite number of employers at a finite number of locations during specific years. Plaintiffs should be seeking production of records and information relevant to issues raised by those particular fact situations.

2. PDRC generally objects to the unlimited time frame associated with these requests. Because plaintiff has not alleged a date of exposure, the definition of "Time Period in Question" becomes 1945 to 1989 under the definitions plaintiff employs. PDRC objects to responding to these inquiries for this time period because such would be overly broad, unduly harassing, burdensome, and would seek information that is neither relevant, nor reasonably calculated to lead to admissible information. See *In Re American Optical Corp.*, 988 S.W.2d 711 (1998)(discovery request for 50 years worth of product information in asbestos case was overbroad). Where PDRC hereinafter objects to a request as "Overbroad as to Time", PDRC incorporates this objection as if fully set forth in the response.

3. PDRC generally objects to the requests to the extent they seek any documents or other information related to any facility other than the Facility at Issue, as defined by Plaintiff, which as of the time of responding to these requests is a property in Playas, New Mexico (Plts. Orig. Pet., paragraph 94). To the extent that any discovery request is read to call for anything more, such a request would be unduly overbroad, harassing, burdensome, and would seek information that is neither relevant, nor reasonably calculated to lead to admissible information. See *Dillard Dept Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995)(request for information beyond store location in question was overbroad). Where PDRC objects to a request as "Overbroad as to Place", PDRC incorporates this objection as if fully set forth in the response. To the extent Plaintiff's discovery or pleadings in the future ever allege the involvement of any other facility, then PDRC reserves the right to amend these responses with additional substantive material and objections.

4. PDRC has developed several unique processes for the production of copper and copper by-products. The nature of the processes has nothing to do with the underlying issues in this lawsuit. To the extent that any confidential or proprietary information might be contained on a document or is otherwise responsive, PDRC objects to producing that portion of the document or information that contains proprietary or trade secret information and asserts all statutory and common law privileges protecting such information to the fullest extent of the law.

5. a) PDRC does not read any of the interrogatories to call for attorney client communications germane to any representation by any attorney of PDRC for any purpose. To the extent that any request is so interpreted by plaintiff, then PDRC objects that the request seeks

material privileged under the attorney client privilege. Tex. R. Evid. 503(b). b) PDRC does not read the interrogatories to seek work product materials or communications. To the extent that any request is so interpreted by plaintiff, then PDRC objects that the materials are protected under the work product privilege of the Texas Rules of Civil Procedure; c) Finally, PDRC does not read the requests to seek communications between PDRC and any expert who is retained solely as a consulting expert, as that term is defined by the Texas Rules of Civil Procedure. To the extent that any request is read by Plaintiff to seek such material, PDRC objects that the request invades the consulting only expert privilege.

Where in response to any interrogatory, PDRC objects that the request seeks "Privileged Materials", PDRC incorporates these specific objections by reference as if fully set forth in the response and alerts plaintiff that privileged materials are being withheld..

6. PDRC also objects to any of the request to the extent they seek to require PDRC to identify documents and tangible things not within its possession, custody or control.

7. PDRC further objects to these discovery requests in general to the extent that they seek information unrelated to the plaintiff, the plaintiff's alleged work activities, the conditions under which the plaintiff worked, the time periods during which the plaintiff allegedly worked and the products to which the plaintiff was allegedly exposed. To this extent, these discovery requests are unduly overbroad and would seek the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case.

8. To the extent that PDRC does provide information or agrees to produce documents in response to any discovery request, PDRC does so subject to and without waiving any general or specific objections. Each general objection and specific objection to any definition is hereby expressly incorporated by reference into each of the following responses, regardless of whether it is repeated.

9. Furthermore, PDRC's responses to this discovery is not intended and should not be construed to waive (1) its right to object to the disclosure of such information on the grounds of authenticity, competency, relevancy, materiality, hearsay or any other proper basis, in whole or in part, in any subsequent stage or proceeding in this action or any other action, or (2) its right to object on any and all grounds, at any time, to any other discovery procedure relating to the subject matter of these requests.

B. OBJECTIONS TO PLAINTIFFS' DEFINITIONS

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

2. Defendant objects to Plaintiffs' definition of the terms "document", "documents", "written materials", or "printed materials" as the definition of those terms renders any requests utilizing any of these terms overly broad, unduly burdensome, harassing, and reduces any such discovery requests to a "fishing expedition" in discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.

3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.

4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.

5. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any interrogatory or request for production utilizing these terms is vague and ambiguous in that issues exists and minds differ with respect to impairments or disabilities and their associations with exposures to different levels of asbestos dust and fibers.

6. Defendant objects to Plaintiffs' definition of the term "Time Period at Issue" as the default time period where no date is provided is 1945 to 1989. At the time this discovery is first responded to, plaintiff has provided no date of alleged exposure. The "default" time period is over broad, over burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7. Defendant objects to the term possessive term "Defendant's" which proceeds the term "Premises at Issue" in many of the requests, as it presupposes that PDRC owns the Premises at Issue. In responding to any request, PDRC should not be heard to acknowledge such ownership or control.

RESPONSES

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 Plaintiffs 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: Given the broad nature of the inquires stated, Defendant has ascertained much of the information from contact with many current and former employees, all of whom are listed as persons with relevant knowledge in various responses to discovery responses which follow. Defendant objects to providing the extensive biographical data on each as being unduly burdensome and as failing to lead to relevant discoverable information.

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.
 - a. asbestosis
 - b. lung cancer
 - c. mesothelioma

ANSWER: The defendant objects to this discovery request on the basis that it would impose an undue hardship and burden on defendant. PDRC has been in existence for most of this past century and has employed literally thousands of people during this period of time. Furthermore, it would be virtually impossible for PDRC to now determine at this late date what specific knowledge or information individual employees obtained, if any, regarding these issues; when and how such knowledge or information was first obtained, if it was; and whether such knowledge or information was imparted to others, if at all.

Subject to these objections and without waiving these objections, PDRC believes that it first became generally aware in the 1970's that inhalation of sufficiently large amounts of asbestos dust under certain conditions could cause pulmonary health problems or diseases. On November 28, 1972, Fred Harvie and Dana Wray attended a conference sponsored by OSHA at El Paso Community College that included some discussions of asbestos. PDRC may have become aware of additional information as the United States Government and other entities began to regulate and/or study the use of asbestos in various settings through the 1970s and 1980s, and as manufacturers began to offer asbestos free substitutes, and as the popular media reported on these matters.

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 and
 - b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
 - 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: The defendant objects to this discovery request on the basis that it is vague, ambiguous and unduly Overbroad as to Place and Overbroad as to Time; it seeks the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case; and it would impose an undue hardship and burden on the defendant.

The defendant further objects to this discovery request on the basis that the defendant cannot possibly possess knowledge of all documents or information published or disseminated by any trade organization or association with which it may have been involved during the past century. Furthermore, the defendant cannot possibly identify the information disseminated or published by each and every organization in which each and every employee may have had an individual membership during the past century. Nevertheless, the defendant is presently investigating the identity of organizations in which it was a corporate member and that may have disseminated such documents or information.

Subject to these objections and without waiving these objections, the defendant is presently aware of its membership in the following organizations:

Industrial Safety Council of El Paso, which later merged with the National Safety Council. Jack Bell is a past president of the Industrial Safety Council of El Paso.

American Society of Safety Engineers

Texas Safety Association

American Institute of Mining Engineers. George Bailey was a chapter president of this organization.

Defendant is still attempting to determine the dates of involvement with these organizations. By responding to this interrogatory, Defendant should not be understood to say that all, or any of these organizations addressed asbestos, or provided information on, or had meetings germane to asbestos, at all, or during any particular time period, or that any particular piece of information which such organizations may have had or given out about asbestos reached the eyes or ears of any PDRC employee.

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 relating 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: The defendant objects to this discovery request on the basis that it is vague, ambiguous and Overbroad as to Place, and Overbroad as to Time; it seeks the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case; and it would impose an undue hardship and burden on the defendant. Subject to the foregoing, the first such meeting would have been on November 28, 1972 when Fred Harvie and Dana Wray attended a conference sponsored by OSHA at El Paso Community College that included some discussions of asbestos. Thereafter, they would have communicated the information they deemed relevant from the seminar to other supervisors as any issues may have arisen regarding the issues discussed.

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: Defendant objects to this request as it is Overbroad as to Time and is thus unduly burdensome. At present, Plaintiff has not alleged the time periods when he allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked, making the request impossible to respond to. Subject to the foregoing, and as Defendant presently understands the allegations against it, as stated in Plaintiff's Original Petition, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not have acquired any asbestos containing product for use at such facility.

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; and
- c. Describe what asbestos-containing materials were abated
- 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: Defendant objects to this request as it is Overly Broad as to Time. Moreover, Plaintiff has not alleged the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Requiring response beyond such area(s) is over broad and unduly burdensome. Subject to the foregoing, and as Defendant presently understands the allegations against it, as stated in Plaintiff's Original Petition, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not have abated any asbestos at such facility.

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: PDRC objects that the request is Overbroad as to Time. The defendant objects to this discovery request to the extent that it asks the defendant to describe the "identification or location, in your premises of asbestos containing products to which Plaintiff was exposed..." At this stage of the discovery, and based on the responses served to discovery by Plaintiff, Defendant does not know what, if any, asbestos containing products Plaintiff was exposed to, and where such exposure is alleged to have taken place. As such, Defendant could not formulate a response to the interrogatory. Accordingly, the defendant objects to this portion of the interrogatory on the basis that it would require the defendant to speculate.

PDRC further objects to this discovery request to the extent that it asks the defendant to state each such person's "experience and qualifications". The request is unduly vague. PDRC further objects to this portion of the interrogatory on the basis that it seeks the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case; and it would impose an undue hardship and burden on the defendant.

Subject to these objections and without waiving these objections, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not know of any person having relevant knowledge of any exposure at the "Premises at Issue" other than Plaintiff.

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 included interface or liaison with Plaintiffs 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
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER: PDRC objects to this discovery request to the extent that it asks the defendant to state each such person's "experience and qualifications". The request is unduly vague. PDRC further objects to this portion of the interrogatory on the basis that it seeks the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case; and it would impose an undue hardship and burden on the defendant.

Defendant objects to this request as it is Overly Broad as to Time. Moreover, Plaintiff has not alleged the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Requiring response beyond such area(s) is over broad and unduly burdensome. Subject to the foregoing, and as Defendant presently understands the allegations against it, as stated in Plaintiff's Original Petition, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not know the identity of any such person at the "Premises at Issue."

9. If you have or have had an industrial hygiene or safety or medical department, please
- a. 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
 - b. 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 Defendants' 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:

PDRC objects to subpart A of the request as Overbroad as to Time, Overbroad as to Place, and as failing to seek any relevant discoverable information with respect to premises other than the "Premises at Issue". With respect to subpart B, PDRC objects to this discovery request to the extent that it asks the defendant to state each such person's "experience and qualifications". The request is unduly vague. PDRC further objects to this portion of the interrogatory on the basis that it seeks the disclosure of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this case; and it would impose an undue hardship and burden on the defendant. PDRC objects that the subpart is also Overbroad as to Time. Subject to the foregoing, Defendant was not involved in safety, medical issues, or industrial hygiene at the Premises at Issue. To the extent that discovery or pleadings change such that this response needs to be amended, PDRC reserves the right to interpose additional objections.

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, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- 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: PDRC objects that the request is Overbroad as to Time. PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not have provided warnings as described in subparts (a) -(e). To the extent that discovery or pleadings change such that this response needs to be amended, PDRC reserves the right to interpose additional objections.

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: PDRC objects that the request is Overbroad as to Time. The request also seeks Privileged Materials. The request is unduly burdensome as it would literally require Defendant to go through every file or magazine ever received by any person in its employment to see if the same contained any reference to the dangers of asbestos, and then to identify such persons and documents. PDRC refers plaintiff to PDRC's previous responses to requests for production in *Jesus Esparza, et. al. v. Owens Corning*, Cause No. 98-559, which are in his lawyers possession.

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,
- c. a description of the process in which the asbestos was used.

ANSWER: PDRC objects that the request is Overbroad as to Time. PDRC also objects that the request is overbroad in that fails to seek the identify to asbestos containing products that this Plaintiff may have been exposed to, if at all, in his work. Subject to the foregoing, PDRC has not manufactured asbestos containing products at the Premises at Issue or elsewhere. PDRC has not used any asbestos or asbestos containing products at the Premises at issue. To the extent that discovery or pleadings change such that this response needs to be amended, PDRC reserves the right to interpose additional objections as appropriate.

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: PDRC objects that the interrogatory is Over Broad as to Time, Overbroad as to Place, fails to seek relevant discoverable information, nor is reasonably calculated to lead to admissible information. PDRC also objects that the request is overbroad in that fails to seek the identify to asbestos containing products that this Plaintiff may have been exposed to, if at all, in his work. The request is unduly burdensome in light of the marginal relevance, if any, which would come from such information. As to the Premises at Issue, PDRC has not assembled, stored, used, prepared for use, installed, or fabricated any asbestos containing product.

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 or 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: PDRC objects that the request is Overbroad as to Time. PDRC also objects that the request is overbroad in that fails to seek the identify to testing in areas where this Plaintiff may have been exposed to, if at all, in his work. PDRC objects to this discovery request to the extent that it asks the defendant to state each such person's "experience and qualifications". That request is unduly vague. Subject to the foregoing, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not have provided for the testing as inquired of in this interrogatory.

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: PDRC objects that the interrogatory is Overbroad as to Time, and various subdivisions not limited the phrase "Premises at Issue" are Overbroad as to Place, The overbroad portions fail to seek relevant discoverable information, nor are they reasonably calculated to lead to admissible information. The request is unduly burdensome in light of the marginal relevance, if any, which would come from such information. As to the Premises at Issue, PDRC has not provided safety equipment or conducted meetings as described in the request.

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: PDRC objects that the request is Overbroad as to Time. PDRC also objects to the terms "mandates" and "other authority" as being unduly vague and ambiguous. The request is also over broad in that it seeks information on statutes and laws pertaining to "industrial hygiene, safety and health" governing the abatement and transportation of asbestos waste products following abatement. Such information is neither relevant, nor reasonably calculated to lead to

admissible information. Subject to the foregoing, and for the Premises as Issue, this defendant is aware of no specific State or Federal regulation, law or statute which is not otherwise applicable to property owners or employers.

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: PDRC objects that the request is Overbroad as to Time. The request is also over broad in that the inspections referenced include those for all "relevant State, Federal, or local health and safety regulations" which presumably include regulations wholly unrelated to any issue raised by the pleadings and discovery in this case. As such, the request seeks information that is not relevant nor reasonable calculated to lead to admissible information. Subject to the foregoing, PDRC is not aware of any such inspection for the Premises as Issue.

18. If, before 1980, you had received notice that any individual or individuals 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: PDRC is not aware of any such claim made against it.

19. If you contend that you did not own or operate or control the Defendants' 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: PDRC objects that the request is overbroad and unduly burdensome in asking for a "detailed corporate history" of various corporate events, all of which are irrelevant to PDRC's non-ownership of a facility in Playas, New Mexico. Further, the last sentence seeking the identity of "every person" who may know something about this issue is unduly burdensome, as it could include virtually every current or former employee of PDRC. Subject to the foregoing, PDRC was originally known as Nichols Copper Company. Nichols Copper Company's stock was purchased by Phelps Dodge Corporation. Thereafter, in 1938, Nichols Copper Company changed its name to Phelps Dodge Refining Corporation (PDRC). PDRC owns a copper refinery in El Paso, Texas. At one time, PDRC owned a copper refinery in Laurel Hill, New York. PDRC has never owned a facility in Playas, New Mexico, nor has it ever operated or controlled a facility in Playas, New Mexico. The principal persons who would be knowledgeable about PDRC facilities include:

Marion Sedgwick ("Jack") Bell
113 Featherman Drive
P.O. Box 1023
Santa Teresa, New Mexico
(505) 589-0875

George Bailey
10832 Vista Allegre
El Paso, Texas 79935
(915) 593-4846

John Holzenthaler
6999 North Loop Rd
El Paso, Texas 79915
(915) 775-8864

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: PDRC's principal place of business and highest decision maker in this State is located in El Paso County, Texas. PDRC does not have business locations in any other locations in Texas.

RESPONSES

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those class of products that plaintiff may have worked with or around, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify abatement in those areas of the facility where plaintiff would have worked, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, PDRC never owned, operated, nor controlled any facility in Playas, New Mexico, and thus it would not have any abatement documents for such facility.

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify the contractors for whom plaintiff worked, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify the procedures applicable for the contractors for whom plaintiff worked, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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 Plaintiffs employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it is not limited to the contractors for whom plaintiff worked, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

6. Please produce all documents reflecting payments made to Plaintiffs 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 Plaintiffs employer.

RESPONSE: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it is not limited to any job for which plaintiff may have been involved, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Further, plaintiff has not identified his employer and PDRC could not possibly respond other than to say that for the Premises at Issue, none.

7. Please produce all photographs or video graphic 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: Object as Overbroad in time. Subject to the foregoing, there are no responsive materials.

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: Object as Overbroad in Time, Overbroad in Place. The request is also over broad in scope as not being limited to the products, work tasks, or situations which did, if at all, involve this plaintiff. Accordingly, the request fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time, and Overbroad in Place. The request is also overbroad in scope as not being limited to and health or safety regulations reasonably related to plaintiff's allegations regarding exposure to asbestos. Accordingly, the request fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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 anyway reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE: Object as Overbroad in Time, and Overbroad in Place. By seeking any documents that reflect the results of such tests, the request also seeks

Privileged Material. The request is also overbroad in scope as not being limited to and health or safety regulations reasonably related to plaintiffs allegations regarding exposure to asbestos. Accordingly, the request fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time, and Overbroad in Place. By seeking all documents that reflect such inspections, the request also seeks Privileged Material. The request is also overbroad in scope as not being limited to and health or safety regulations reasonably related to plaintiffs allegations regarding exposure to asbestos. Accordingly, the request fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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

RESPONSE: Object as Overbroad in Time and Overbroad in Place. By seeking all documents, the request also seeks Privileged Matters. Subject to the foregoing, and for the Premises at Issue, none.

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

RESPONSE: Defendant objects that this request fails to seek any particular document or category of document. The request invades this party's and its counsel's work product, mental impressions, and party communications. See *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: Defendant objects that this request fails to seek any particular document or category of documents. Further, in that PDRC contends it did not own or control a work site in Playas, New Mexico, it cannot produce documents to prove a negative. Subject to foregoing, and to the extent that responsive documents can be found, they will be produced.

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

RESPONSE: Defendant objects that this request fails to seek any particular document or category of document. The request invades this party's and its counsel's work product, mental impressions, and party communications and seeks Privileged Material. See *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

17. Please produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE: PDRC objects to the request as Overbroad in Time and Overbroad in Place. In light of the allegations in this case at present, the request fails to seek any relevant discoverable information, nor is it reasonably calculated to lead to relevant admissible information. Subject to the foregoing, there are no such policies for the Facility at Issue.

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: PDRC objects to the request as Overbroad in Time and Overbroad in Place. In light of the allegations in this case at present, the request fails to seek any relevant discoverable information, nor is it reasonably calculated to lead to relevant admissible information. The request further seeks Privileged Material. The request is unduly vague and unduly burdensome. Subject to the foregoing, there are no such materials for the Facility at Issue.

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: Object as Overbroad in Time and Overbroad in Place. By seeking all documents, the request also seeks Privileged Matters. The request is also unduly burdensome in light of the definition of "you" which plaintiff uses, or even with a common meaning applied to the word.

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: Object as Overbroad in Time and Overbroad in Place. As worded, the request would seek Privileged Material. The request is further overbroad as not being limited to those products which Plaintiff claims to have used at the Premises at Issue. The request is overbroad and unduly burdensome in scope. Subject to the foregoing, there are no such materials for the Facility at Issue.

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: PDRC objects that the request is Overbroad as to Time and Overbroad as to Place. The request as worded seeks Privileged Material. The request is overbroad as literally seeking any reference to any meeting or any trade

association which at any time ever said or published anything about asbestos. As such, the request is unduly burdensome. It further fails to seek material which is relevant or reasonably calculated to lead to admissible information.

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

RESPONSE: PDRC objects to the request as Overbroad in Time and Overbroad in Place. In light of the allegations in this case at present, the request fails to seek any relevant discoverable information, nor is it reasonably calculated to lead to relevant admissible information. Subject to the foregoing, there are no such materials for the Facility at Issue.

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

RESPONSE: PDRC objects to the request as Overbroad in Time. Further, the request is overbroad in failing to seek information regarding that material to which this Plaintiff contends he worked with, or around, if any. Subject to the foregoing, there are no such materials for the Facility at Issue.

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

RESPONSE: There are no responsive documents known of at this time.

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: There are no responsive documents known of at this time.

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: Object as Overbroad in Time. Further, the request is overbroad in scope as its seeks information on all structures and aspects of the Facility at Issue, regardless of whether the Plaintiff worked in that structure or not. Subject to the foregoing, there are no responsive documents for the Facility at Issue.

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

RESPONSE: Object that the request seeks materials which are not routinely prepared until at on the eve of trial. At this time, PDRC cannot foresee the type of demonstrative exhibits which it will use. Prior to their publication to the jury, PDRC will give Plaintiff an opportunity to review such matters. At this time, there are no responsive documents.

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

RESPONSE: Object as Overbroad in Time. Further, the request is overbroad in scope as its seeks information on all such materials, regardless of whether the Plaintiff worked in or around such materials. Subject to the foregoing, there are no responsive materials for the Facility at Issue.

29. Please produce all documents relating to any individuals' 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: Object as Overbroad in Time and Overbroad in Place. The request also seeks Privileged Material. The request is overbroad in scope and seeks information which is neither relevant nor reasonably calculated to lead to admissible information. Lawsuits filed against PDRC are a public record and are equally available to both sides. PDRC objects to providing information on such lawsuits, most of which have been filed by Plaintiff's own counsel.

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: PDRC objects to the request as Overbroad in Time and Overbroad in Place. Further, the request is overbroad in failing to seek information limited to the contractor(s) for which Plaintiff was employed, if any. Subject to the foregoing, there are no such materials for the Facility at Issue.

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: PDRC objects to the request as Overbroad in Time and Overbroad in Place. Further, the request fails to seek any particular document or class of documents. The request is unduly burdensome requiring Defendant to literally look through everyone of its records looking for the word "asbestos". The request seeks Privileged Material. The request seeks material that is neither relevant nor reasonably calculated to lead to relevant admissible information.

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 objects that this request fails to seek any particular document or category of document. The request invades this party's and its counsel's work product, mental impressions, and party communications and seeks Privileged Material. See *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

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: Object as Overbroad in Time and Overbroad in Place. The request also seeks Privileged Material. The request is overbroad in scope and seeks information which is neither relevant nor reasonably calculated to lead to admissible information.

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: Object as Overbroad in Time and Overbroad in Place. The request also seeks Privileged Material. The request is overbroad in scope and seeks information which is neither relevant nor reasonably calculated to lead to admissible information. Subject to the forgoing, there are no responsive documents for the Premises at Issue.

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: Object as Overbroad in Time. The request is also overbroad in scope as not being related to the issues raised by the claims asserted by this Plaintiff. Subject to the forgoing, there are no responsive documents for the Premises at Issue.

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: Object as Overbroad in Time. The request is also overbroad in scope as not being related to the issues raised by the claims asserted by this Plaintiff. As such the request is unduly burdensome and fails to seek information that is relevant or information that is reasonably calculated to lead to admissible information. Subject to the forgoing, there are no responsive documents for the Premises at Issue.

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: Object as Overbroad in Time. The request is also overbroad in scope as not being related to the issues raised by the claims asserted by this Plaintiff. As such the request is unduly burdensome and fails to seek information that is relevant or information that is reasonably calculated to lead to admissible information. Subject to the forgoing, there are no responsive documents for the Premises at Issue.

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: Object as Overbroad and Time. Subject to the forgoing, there are no responsive documents for the Premises at Issue.

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: PDRC objects that the request is overbroad. "All documents" evidencing net worth would literally call for every paper that refers or alludes to all assets and all liabilities. PDRC also objects to the time frame involved. This case deals with conduct allegedly occurring some time period, which is not as yet specified. Once the specific dates are disclosed by deposition testimony of co-workers and plaintiff, PDRC will attempt to locate and produce any audited financial statements for PDRC for the time periods involved and have the same in admissible form for the second phase of any bifurcated trial.

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: Object as overbroad. If there was a purchase, sale, or transfer, the amount of documents "which evidence" the same might be extensive and contain material unrelated to any issue in this lawsuit. Subject to the foregoing, there are no responsive documents for the Premises at Issue.

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: Object as unduly vague and ambiguous. If by title documents, plaintiff means deed records of the Facility at Issue, the same are public records equally available to either side and PDRC objects to obtaining and producing the same.

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, 1 OK reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are

RESPONSE: PDRC does contend that it does not own the Premises at Issue. It has never owned the Premises at Issue and thus has no sale, purchase, merger, acquisition or divestment type records applicable to this facility. PDRC objects to producing deposition, trial testimony or court records which are on file and equally available to both parties, although to its knowledge there are no such responsive material on this issue. While PDRC objects to producing documents to prove a negative (that it does not own a facility), it may supplement this request with any responsive documents that it may locate.

43. If you contend that you have not been sued in the proper capacity as set forth in Plaintiffs 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, byway of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 1 OK 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: Not applicable.

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: PDRC objects that this request is unduly vague and ambiguous such that PDRC cannot formulate a complete response. PDRC does not know what type of subrogation agreements that Plaintiff refers to or what Plaintiff means by "other documents." PDRC objects to this Request on the grounds that it seeks information that is Overbroad as to Time. PDRC further objects to this Request on the grounds that the request may require PDRC to disclose confidential information.

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: PDRC objects that the request is Overbroad as to Time. Subject to the foregoing, there are no responsive documents for the Premises at Issue.

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: PDRC objects that the request is Overbroad as to Time. The request is also overbroad as to scope, in that it is not limited to the areas or buildings in which this Plaintiff is alleged to have worked. Subject to the foregoing, there are no responsive documents for the Premises at Issue.

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: Object as to being Overbroad as to Time and Overbroad as to Place. Subject to the foregoing, PDRC is a copper refinery and has not manufactured asbestos containing product and there are no responsive documents.

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

RESPONSE: Object as Overbroad in Time and Overbroad as to Place. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those class of materials that plaintiff may have worked with or around, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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

RESPONSE: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those class of products that

plaintiff may have worked with or around, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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

RESPONSE: Object as Overbroad in Time and Overbroad in Place. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those boilers that plaintiff may have worked with or around, if any, and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Also, the request is over broad and unduly burdensome in that it does not attempt to identify those safety issues at issue in this lawsuit and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those safety issues relevant in this lawsuit and thus fails to seek relevant discoverable information, nor

is it reasonably calculated to lead to admissible information. Subject to the foregoing, and for the Premises at Issue, none

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: Object as Overbroad in Time. Also, the request seeks information which is of public record and equally available to both sides. Subject to the foregoing, none

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 Any exhibit lists so filed are public records and are equally available to both sides and PDRC objects to obtaining and producing such materials. See E.G. Master Exhibit List filed by Baron & Budd, P.C. in the In Re All Asbestos Lawsuits filed by Baron & Budd, for El Paso County, Texas. The request is outside the scope of relevant discoverable information. Subject to the foregoing, there are no responsive documents not already in Plaintiff's counsel's possession.

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

RESPONSE: Object as Overbroad in Time. Also, the request is overbroad and unduly burdensome in that it does not attempt to identify those issues relevant to this lawsuit and thus fails to seek relevant discoverable information, nor is it reasonably calculated to lead to admissible information. At this time, Defendant does not even know who Plaintiff's employer was in the Time Period at Issue. Subject to the foregoing, and for the Premises at Issue, none

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

RESPONSE: Object as Overbroad in Time and Overbroad in Place. The request may also seek Privileged Material. Subject to the foregoing, and for the Premises at Issue, none.

58. Please produce all documents that indicate or reference in any way any 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: Object as Overbroad in Time and Overbroad in Place. The request is overbroad and unduly burdensome in that the periodicals at issue need only "relate to asbestos" which broadens the request to potentially cover many journals or periodicals. It would literally require PDRC to read every issue of every journal or periodical to see if any ever mentioned asbestos, or related topics, to formulate a response. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time and Overbroad in Place. The request literally asks for the asbestos containing product, if any, to be produced. The request is overbroad in scope as not being limited to those products which Plaintiff may contend he worked with or around. Subject to the foregoing, and for the Premises at Issue, none.

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: Object as Overbroad in Time and Overbroad in Place. The request literally seeks Privileged Materials. The request is unduly burdensome by requiring defendant to search every closed and open litigation file to find such documents (even though Plaintiff's counsel is opposing counsel in almost every such case). Subject to the foregoing, and for the Premises at Issue, none.

**RESPONSES TO REQUEST FOR ADMISSION AND
FURTHER REQUEST FOR PRODUCTION**

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and PDRC can neither admit nor deny the balance of the request based on its reasonable investigation to date.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

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 objects to producing any document reviewed showing its "reasonable inquiry" as the same would invade its work product and would seek Privileged Materials. As to PDRC's non-ownership of the Premises at Issue, see previous requests for production and responses thereto.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls therefore admits that balance of the request.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls therefore can neither admit nor deny the balance of the request.

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 objects to producing any document reviewed showing its "reasonable inquiry" as the same would invade its work product and would seek Privileged Materials.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls

the Premises at Issue or that its employees were working with asbestos containing materials at the Premises at Issue.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus its knowledge, if any, of asbestos containing material at the Premises at Issue is of no relevance to this issues in this case.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus denies the balance of the request.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus it admits that it did not post any notices on property it does not own or control.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits that it did not post a warning in any language on property that it does not own or control.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus denies the balance of the request.

REQUEST FOR ADMISSION NO. 11.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 12.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 13.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 14.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 15.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request, as it would not warn contractors it did not hire.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request, as it would not warn contractors it did not hire.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls

the Premises at Issue and thus admits the balance of the request, as it would not warn contractors it did not hire.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request, as it would not warn contractors it did not hire.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request, as it would not warn contractors it did not hire.

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 objects to producing any document reviewed showing its "reasonable inquiry" as the same would invade its work product and would seek Privileged Materials. Subject to the foregoing, there are no responsive documents.

REQUEST FOR ADMISSION NO. 21.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 22.

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

RESPONSE: PDRC objects to the scope of the request due to the time period in question. Without knowing when Plaintiff claims exposure, the time period may not be at all relevant which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

REQUEST FOR ADMISSION NO. 23.

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

RESPONSE: Denied that PDRC owns the Premises at Issue, and denied that it has contracted with the Federal Government for work at such property.

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: Denied that PDRC owns the Premises at Issue, and denied that it has contracted with the Federal Government for work at such property.

REQUEST FOR ADMISSION NO. 25.

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 26.

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

RESPONSE: Denied.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" (assuming "time period in question" is meant to be the same thing) which renders the request overly broad and unduly burdensome. PDRC also objects that the request is not limited to the Premises at Issue which renders the request overly broad and unduly burdensome.

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: PDRC objects to the scope of the request due to the definition of "Time Period at Issue" which renders the request overly broad and unduly burdensome. Subject to the foregoing, PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request, as it would not conduct monitoring on property it does not own.

REQUEST FOR ADMISSION NO. 29.

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

RESPONSE: PDRC denies that it owns or controls the Premises at Issue and can neither admit nor deny the request based on its reasonable investigation to date.

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: PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request.

REQUEST FOR ADMISSION NO. 31.

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

RESPONSE: PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request.

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: PDRC denies that it owns or controls the Premises at Issue and thus admits the balance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 37.

Admit that you hired or contracted with Plaintiffs employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 39.

Admit that you communicated with Plaintiffs employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 40.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 41.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 42.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 43.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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 objects to producing any document reviewed showing its "reasonable inquiry" as the same would invade its work product and would seek Privileged Materials. Subject to the foregoing, there are no responsive documents.

REQUEST FOR ADMISSION NO. 44.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the

request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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 objects to producing any document reviewed showing its "reasonable inquiry" as the same would invade its work product and would seek Privileged Materials. Subject to the foregoing, there are no responsive documents.

REQUEST FOR ADMISSION NO. 45.

Admit that you told Plaintiffs employer or supervisor when to start work.

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 46.

Admit that you told Plaintiffs employer or supervisor when to stop work.

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 47.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the

request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 48.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the

request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 52.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 54.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

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: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.

REQUEST FOR ADMISSION NO. 56.

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

RESPONSE: PDRC objects to the request in that at this time, Plaintiff has not disclosed who his employer was and PDRC cannot there possibly respond to the request outside of the Premises at Issue. Inasmuch as PDRC denies that it owns or controls the Premises at Issue it denies the substance of the request.