

NO. 98-08538-G

ROBERT CLIFFORD BANKS, ET AL	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORP., ET AL.	§	134TH JUDICIAL DISTRICT

**DEFENDANT THE DOW CHEMICAL COMPANY'S
OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST
INTERROGATORIES, FIRST REQUEST FOR PRODUCTION
AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff IRA KLEPPER by and through his attorneys of record Holly J. W. Huart and Stephanie Finch, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW Defendant, The Dow Chemical Company, and hereby serves its Objections and Responses to Plaintiff's First Interrogatories, First Request for Production and First Request for Admissions pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

MEHAFFY & WEBER, P.C.

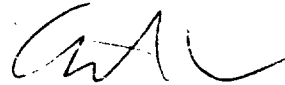
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**ATTORNEYS FOR DEFENDANT,
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant The Dow Chemical Company's Objections and Responses to Plaintiff's First Interrogatories, First Request for Production and First Request for Admissions has been served upon all known counsel of record by certified mail, return receipt requested, regular mail, and/or facsimile on this 12th day of May, 2000.

A handwritten signature in dark ink, appearing to be 'AR' followed by a flourish, positioned above a horizontal line.

Arthur R. Almquist / Elna N. Griggs

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

Defendants make the following general objections to each and every request for production directed to it:

1. Dow objects to Plaintiffs' Instruction No. 1. Defendants may produce non-privileged responsive documents in the manner in which they are kept in the ordinary course of business.

2. Defendants object to the interrogatories and requests to the extent that they seek to compel the disclosure of information specifically exempted from discovery by the privileges afforded in Rule 166b of the Rules and Article V. of the Texas Rules of Civil Evidence ("Rules of Evidence"), including the attorney/client privilege, the joint defense privilege, the attorney work product doctrine, or the investigative privilege.

3. Defendants object to paragraph one of the DEFINITIONS regarding "Defendant," "You," "Your," and "Your Company" and paragraph three regarding "persons" because they are overly broad and unduly burdensome and pertain to corporations other than those who are parties to this suit. Defendant also objects to paragraphs one and three because they include Defendants' attorneys; information and things protected by the attorney client privilege and work product doctrine is not discoverable.

4. Defendants object to paragraph two of the DEFINITIONS because the definition of the word "document" and the instructions regarding "possession, custody or control" are overly broad, seeks information specifically exempted from discovery by the privileges afforded in Rule 166b(3) of the Rules and Rule 503 of the Texas Rules of Civil Evidence, including the attorney

work product doctrine, and the attorney client privilege because it exceeds the scope of Rules 166b of the Rules. Throughout these responses, Dow will assume that the word will have its commonly used meaning, as set forth in Rule 166b(2)(b), and will respond accordingly.

5. Defendants object to the definitions of "identify" contained in paragraphs 16 and 17 of the DEFINITIONS because they is overly broad, unduly burdensome and harassing.

6. Defendants object to DEFINITION 12 to the extent that information is sought concerning asbestos in a non-friable form.

7. Dow further objects to any discovery request seeking to charge it with knowledge or information held by its "predecessors or subsidiaries" or requiring it to provide information regarding plants other than the one in which Plaintiff Ira Klepper was employed. Dow operated multiple facilities and employs thousands of workers. Accordingly, it is unduly burdensome, excessively expensive and harassing to require Dow to answer these interrogatories as to all plants.

8. Defendants object to Plaintiffs' discovery requests because they are unlimited in time.

9. Defendants object to Plaintiffs' requests to the extent that they necessarily seek disclosure of trade secrets, proprietary material and other confidential information protected from discovery by the Texas Rules of Civil Procedure.

10. The presence of an objection does not mean that Dow possesses non-privileged information responsive to a discovery request.

**OBJECTIONS AND RESPONSES TO FIRST
INTERROGATORIES, FIRST REQUEST FOR PRODUCTION
AND FIRST REQUEST FOR ADMISSIONS**

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER: Dow objects to providing identification of those sources on the grounds that this information is protected by the attorney work product doctrine and attorney-client privilege. Subject to the foregoing objection, Defendant's answers were prepared by counsel based upon the information provided by numerous individuals over an extended period of time. To the extent these interrogatories call for information concerning persons with knowledge of relevant facts, they will be identified in answers to these interrogatories.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE: Admit that such products were used at some locations at the Dow facilities in Freeport, Texas.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos-containing products were utilized on Defendant's Premises between the years 1958 and 1974.

RESPONSE: Admit that such products were used at some locations at the Dow facilities in Freeport, Texas.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's Premises

ANSWER: Defendant objects to this interrogatory as overly broad and unduly burdensome because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, the Dow facility in Brazoria County was constructed in the late 1930's and began operations in 1941. During the years, the plant has expanded to encompass structures, pipeways, tanks, etc. which now cover almost 5,000 acres on three main sites which are not connected. Every facility, pipeway, tank, etc. constructed prior to the late 1960's could have contained asbestos in some form because asbestos was an acceptable material for thermal insulation as well as for structural uses in floor tiles, siding, etc. Defendant stopped using asbestos containing insulation products, except for limited applications where no substitute was available, beginning in 1969 through 1970.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with

reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE: Admit

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure
- c. State which asbestos-containing products were abated

ANSWER: Defendant objects to this interrogatory as overly broad and unduly burdensome because it is not limited to the time periods that plaintiff allegedly worked at the plant and the locations in the plant where plaintiff allegedly worked.

Subject to the foregoing objections, any maintenance or scheduled demolition from the late 1960's was used as an opportunity to remove the existing asbestos in that specific area safely. Through the years, if the asbestos began to deteriorate, it was removed and replaced and will continue to be replaced.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

RESPONSE: Discovery is still ongoing. Defendant will supplement this answer as required by the rules.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1958 and 1974, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

The Dow facility covers thousands of acres, and includes hundreds of units, and there literally would have been hundreds of contractors and thousands of employees who were on the premises. Defendant further objects to this on the grounds of relevance, because the information on thousands of employees who have no possible connection with this lawsuit could have no possible relevance to this case.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1958 and 1974, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1958 and 1974 and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed
- c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1958 and 1974, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Most of this information is contained in literally millions of pages of documents that contain proprietary information concerning the design and construction of the facility in question and its many chemical units. Information on areas of the plant where Mr. Klepper did not work would have no possible bearing on this case, and is not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1958 and 1974.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Freeport, Texas? If the answer is anything other than "no," identify each and every fact which supports this contention.

ANSWER: Discovery is continuing. Defendant will supplement this answer as required by the rules.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 8:

Admit that in 1958 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER: Documents containing general warnings can be found in the document repository. Discovery is ongoing and if any further information is developed on warnings that may been given to plaintiff this answer will be supplemented.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995).

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne dust.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995).

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at jobsites where Defendant's employees were performing services. In your answer, please state:

- a. When, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. What instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

ANSWER: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE: Deny

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no," identify each and every fact which supports this contention.

ANSWER: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995).

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. When the equipment was first provided
- b. To whom the equipment was provided
- c. Under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995).

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1958 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Deny as drafted. It is unclear from this request exactly what is meant. Contractors were responsible for providing safety equipment to their employees.

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1958 to determine the quantity of asbestos fibers in the air at the Dow Chemical Company facility? If the answer is anything other than "no," identify each and every fact which supports this contention.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it

seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE: Admit that asbestos containing materials were utilized at various locations on Dow's facility without evacuation of the premises, but Deny as to any allegation as to the plaintiff.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

ANSWER: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's Premises to use respirators? If so, please:

- a. State when this policy was implemented
- b. Describe this policy in detail
- c. State to whom it was applied (i.e. Defendant employees and contractor employees)
- d. And describe what types and brand names of respirators were required by you

ANSWER: Defendant objects to this request as ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1958 and 1974, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Moreover, since there were literally hundreds and perhaps thousands of contractors in place, this would include a tremendous number of documents. It is not calculated to lead to the discovery of admissible evidence, and therefore is immaterial and irrelevant to any matter in this case since it would include thousands of contracts that have no relationship whatsoever to Plaintiff's claims.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1958 and 1974 Defendant had the power to control Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1958 and 1974, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1958 and 1974, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1958 and 1974, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow

denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1958 and 1974, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1958 and 1974, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1958 and 1974, Defendant had the power to govern the use or conditions of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it

seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1958 and 1974, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The

pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years 1958 and 1974, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1958 and 1974 Defendant controlled Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1958 and 1974, Defendant managed the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of

independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1958 and 1974, Defendant directed the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1958 and 1974, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1958 and 1974, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it

seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1958 and 1974, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The

pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1958 and 1974, Defendant governed the use or conditions of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W,2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1958 and 1974, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1958 and 1974, Defendant administered the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow

denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1958-1994, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Dow Chemical Company facility, who were engaged in activities which could be potentially hazardous to either themselves or Dow Chemical Company employees? If the answer is anything other than "no," identify each and every fact which supports this contention.

ANSWER: Defendant objects to this interrogatory as overly broad and unduly burdensome because it is not limited to the time periods that plaintiff allegedly worked at the plant, the locations in the plant where plaintiff allegedly worked, and the contractor for whom plaintiff worked while at Dow.

Subject to the foregoing objections, under its standard contract with contractors working on its premises, all contractors assumed the rights, obligations and liabilities applicable to them as independent contractors. The standard contractual language further provides that any language in the contract that

appears to give Dow the right to direct the contractor as to the details of doing the work under the contract is deemed to mean that contractor shall follow the desires of Dow in the results of the work only. Neither Dow nor the contractor shall have control over the other party with respect to each parties own employees.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of entry, determined the general scope of work to be performed by independent contractors at the plant, and retained the ultimate right to monitor, inspect, and approve work done by independent contractors at the facility. However, Dow denies that it exercised or retained control over the manner and method of work performed by independent contractors on the premises.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Admit that it was installed in some locations.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Admit that it was used at some locations.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

ANSWER: Dow cannot pinpoint a precise date on which it, as a corporate entity, knew that there was an association between asbestos exposure and disease because it is currently not possible to understand what knowledge individual employees possessed many years ago and knowledge of asbestos related disease developed gradually over time. The testimony of Harold Hoyle sets forth his understanding as the Director of Industrial Hygiene for The Dow Chemical Company. Mr. Hoyle indicated that when he started work as the industrial hygienist in 1948, he was aware that exposure to asbestos fibers, if of sufficient duration and intensity, could cause asbestosis.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as

required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Further, defendant objects to providing information that would violate any individual's privacy rights or that is protected from disclosure by the attorney client privilege, work product privilege, or any medical privilege.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no," identify each and every fact which supports this contention.

ANSWER: Defendant objects to this request as it is drafted. The hazards of asbestos are determined largely by the manner in which it is being used and the types of exposure that the individual has. In generic terms, it is impossible to answer this question. Moreover, the knowledge of asbestos hazards has evolved over the years, and this question is not specific as to time. For these reasons, it is impossible to answer this request as drafted.

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as

required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE: Plaintiff, in his own deposition, has indicated that he is claiming that he was exposed to asbestos dust at other locations. Defendant does not have any further information to address the issues of exposures at other locations.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE: Discovery is still continuing. If any applicable records should appear, Defendant shall supplement this answer as required by the Rules.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-related materials, produce all documents supporting your contention.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Moreover, plaintiffs are requesting documents that may be covered by the attorney-client privilege.

Subject to the foregoing objection, any documents used in Defendant's answers have been produced or are available for inspection in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 64:

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

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this grounds to the extend that it might require the production

of attorney work product and attorney-client privileged documents relating to any documents that relate to usages of asbestos.

INTERROGATORY NO. 20:

Does Defendant have 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? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

ANSWER: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE: Subject to the above objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE: Admit that, at this time, Defendant has no information that indicates the Plaintiff was diagnosed more than two years before the action was brought.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE: Admit that, at some locations, there are still asbestos containing products on Defendant's premises.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland,

Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The

pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and

documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of IRA KLEPPER at any time during his employment at Defendant's Premises. 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 employment records relating to Plaintiff's health.

RESPONSE: Defendant is in the process of gathering such documents. Defendant will supplement this answer as required by the rules.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE: Defendant is in the process of gathering such documents. Defendant will supplement this answer as required by the rules.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

The Dow facility covers thousands of acres, and includes hundreds of units, and there literally would have been hundreds of contractors and thousands of employees who were on the premises. Defendant further objects to this on the grounds of relevance, because the information on thousands of employees who

have no possible connection with this lawsuit could have no possible relevance to this case.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this

lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals who claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 84:

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, produce any

documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 86:

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 to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 87:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiff's work at Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE: Defendant objects to this request as overly broad and unduly burdensome because it is not limited to the time periods that plaintiff allegedly worked at the plant.

Subject to that objection, the 10K can be found at:

<http://www.sec.gov/Archives/edgar/data/29915/0000912057-00-012919-index.html>

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

Subject to this objection, Defendant has created a document depository in which it has placed historical documents from the company concerning asbestos and documents responsive to this request may be found in that repository. The pages of documents number into the millions, and are located in Midland, Michigan, and Defendant will allow Plaintiffs' Counsel to inspect those documents upon reasonable notice.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this

lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence.

VERIFICATION

I, **KIM F. TYSON**, being duly sworn, state that I am an attorney and Counsel with The Dow Chemical Company and am authorized to make this verification for and on behalf of The Dow Chemical Company. I have read **DEFENDANT THE DOW CHEMICAL COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS** in Robert Clifford Banks, et al v. Owens-Corning Fiberglas Corp., et al dated May 12th, 2000 ("Dow's Objections") and am familiar with the contents of that document. Dow's Objections was prepared with the assistance and advice of employees of, and counsel for, The Dow Chemical Company, upon whose assistance and advice I relied. Dow's Objections is subject to inadvertent or undiscovered error, is based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of Dow's Objections. Subject to these limitations, Dow's Objections is true to the best of my knowledge, information and belief.

The Dow Chemical Company

By: _____

KIM F. TYSON

Counsel

Legal Department

Subscribed and sworn to me
this 15th day
of May, 2000.

Stephen R. Walters
Notary Public

