

NO. 00-08188-H

JOHN WILLIAM BLALOCK, ET AL. § IN THE DISTRICT COURT OF
 §
VS. § DALLAS COUNTY, T E X A S
 §
GAF CORPORATION, ET AL. § 160TH JUDICIAL DISTRICT

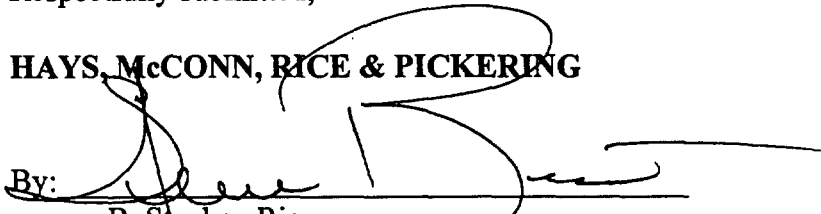
**DEFENDANT SHELL OIL COMPANY'S OBJECTIONS AND ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES,
REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION
SUBJECT TO MOTION TO TRANSFER VENUE**

TO: Plaintiff GEORGE RAYMOND BURKHALTER, by and through his attorney of record,
Elizabeth Schick/Stephanie Finch, BARON & BUDD, The Centrum, 3102 Oak Lawn Avenue,
Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant, **SHELL OIL COMPANY** and makes the following objections
and answers in response to Plaintiff's First Set of Interrogatories, Request for Production, and
Requests for Admission.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

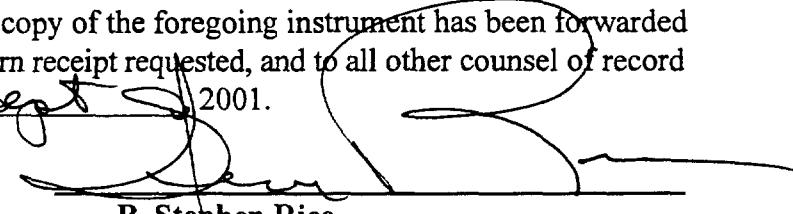
By: 

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Attorney for Defendant, **SHELL OIL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded
to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record
by regular mail, on this 31st day of Sept, 2001.


B. Stephen Rice

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition #1 of the terms “Defendant,” “You,” “Your” and “Your Company” because the definition is overly broad, vague and ambiguous and amounts to a fishing expedition. As stated, the definition seeks responses of entities not parties to this cause and for which this Defendant would have no legal liability. Further, the definition seeks to require responses on behalf of entities at which the Plaintiffs are not alleged to have worked and, therefore, the definition and request for information concerning said entities is not relevant to the issues inquired of herein nor is the information likely to lead to the discovery of admissible evidence. Under Texas Jurisprudence, a corporate defendant is liable only for its torts; it is not liable for any alleged torts of a subsidiary. Thus, to the extent that a subsidiary is not sued, the named defendant would have no responsibility and no duty to respond on behalf of any such entity. *Lucas v. Texas Industries, Inc.*, 696 S.W.2d 372 (Tex. 1984); *Seminole Pipeline v. Broad Leaf Partners*, 9795 S.W.2d 730 (Tex. App. — Houston [14th Dist.] 1998, no pet.

Defendant objects to the stated definition #2 of the terms “Document,” “Documents,” “Written Materials” and “Printed Materials” on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production “regardless of who now has or formerly had custody, possession or control” on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition #4 of the terms “Meeting” or “Meetings” on the grounds it is so overly broad and vague and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

Defendant objects to the stated definition #6 of the terms “products containing asbestos fiber,” “asbestos containing products” and “asbestos products” on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure

of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant objects to the definition #16 of "identify" with regard to a document as overly broad and requiring more than the Rules of Procedure require.

Defendant objects to the definition #18 of "Defendant's Premises at Issue" as overly broad, vague and ambiguous and seeks to require this Defendant to identify premises outside of the four corners of the discovery and to speculate on what Plaintiff considers to be the premises at issue. Defendant will assume that the premises at issues is its Deer Park facility.

Defendant objects to the definition #19 of "workers" to include any employee of Defendant or employee of a contractor as being overly broad.

Defendant objects to the definition #20 of the term "abate" or "abatement" as overly broad as defined.

Defendant objects to the definition #21 of the term term " Time Period at Issue" as overly broad, vague and ambiguous and because it seeks to require this Defendant to make a determination of relevant time periods by seeking to require this Defendant to determine when the Plaintiff was allegedly on Defendant's premises by reference to other discovery or pleadings outside of the four corners of the discovery request. Defendant further objects to the effort to assume a time period of 1945 - 1989 when there is no showing that Plaintiff was on the premises of Defendant during all those time periods, and the request is overly broad for that reason as well. Defendant will generally provide information for the time period up to 1985.

OBJECTIONS APPLICABLE TO EACH DISCOVERY REQUEST

Defendant objects to each discovery request which is unlimited in time as to the information sought. Many of the discovery requests are unlimited in time and have no relationship to the alleged time period when a plaintiff may have worked on Defendant's premises, nor to the premises at issue. Accordingly, these discovery requests are overly broad and seek documents and information not relevant to the issues regarding this case. Defendant will provide information concerning asbestos

for the time period to 1985, as contained in its corporate records and those pertaining to its Deer Park, Texas facility.

Defendant also objects to each discovery request which is prefaced by words to the effect of "for any location where plaintiff alleges, in his discovery response and/or deposition, working or asbestos exposure". Defendant objects to such language because as stated the discovery request would require this Defendant to review other materials outside of the discovery directed to this Defendant in order to make a determination as to an appropriate response and require the Defendant to interpret Plaintiffs' responses to discovery.

Defendant further objects to Plaintiff's overly broad designation of time periods in discovery requests which do not have any relationship to the alleged period of time in which the Plaintiff was allegedly present on this Defendant's premises.

Defendant further objects to each discovery request to the extent such request seeks discovery regarding any plant or facility other than its Deer Park, Texas plant because there is no showing that any plaintiff may have worked at any other plant and, thus, to the extent discovery requests may be construed to include any other plant, Defendant objects to each request as overly broad and because the request seeks information or documents not relevant to the inquiries herein nor likely to lead to the discovery of admissible evidence.

Defendant has objected to certain of the discovery requests in responding to Plaintiffs' set of discovery on the basis that the discovery requests are overly broad and fail to specify the documents or information sought and amount to "fishing expedition".

Many of the requests seek all information or documents which "refer to" and/or "relate to" or similar language, of a particular issue. As worded, this document request could reach information

which is confidential and/or proprietary business information. Defendant objects to production of such documents or information.

Defendant objects to those requests which as worded could invade the personal privacy rights of Defendant's present and former employees.

LEGAL AUTHORITIES FOR OBJECTIONS MADE HEREIN

Many of the requests are unlimited in time and further seek discovery pertaining to locations or facilities not identified by any Plaintiff as a work site where a Plaintiff may have worked and therefore these discovery requests seek information which is not relevant to the issues in this litigation nor likely to lead to the discovery of admissible evidence. The Texas Supreme Court has held that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

INTERROGATORIES

INTERROGATORY NO. 1:

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

ANSWER:

Defendant objects to this interrogatory as overly broad and seeking information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, Defendant Shell Oil Company is a corporation and therefore the information necessary to answer these interrogatories came from a variety of sources and/or documentation, which has been assembled with the assistance and advice of counsel.

INTERROGATORY NO. 2:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case and constitutes nothing more than a "fishing expedition" which is specifically prohibited under Texas law and the Texas Rules of Civil Procedure.

Subject to and without waiving the foregoing objections, Defendant would respond by stating that it has not been able to determine the precise year or the specific means by which any employee first became aware of any alleged causal relationship between certain exposures to the various types of asbestos fibers and the occurrence of any health problems in human beings; however, a July 2, 1945 report by H.H. Zuidema of Shell states that asbestos along with ethyl alcohol, glucose, fructose and other materials had been mentioned in case reports as having cancer producing ability. An 4/28/50 report by C. H. Hine is the present earliest documented mention of asbestosis. Defendant denies that any cancer had been scientifically proven as being caused by asbestos in 1945. Documents in Defendant's possession mention mesothelioma and asbestos being related in the mid 1960's, but these reports were not in workers such as Plaintiffs herein.

Without waiving this objection, and subject thereto, Defendant would respond by stating that it may be in possession of certain documents which may be responsive to this interrogatory. Further Defendant states that pursuant to Rule 197.2(c) further answer to this interrogatory may be derived or ascertained from Shell's business records. The records from which the answer may be derived will be made available for inspection at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 3

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

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

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and constitutes nothing more than a "fishing expedition" which is specifically prohibited under Texas law as it relates to discovery. Further this interrogatory is objectionable because it would require this Defendant to speculate on whether an organization disseminated information concerning asbestos.

Subject to and without waiving the foregoing objections, Defendant Shell Oil Company would respond as follows:

The records of this Defendant reflect membership with the following associations listed by Plaintiff. Defendant cannot verify that each organization disseminated information on asbestos:

American Petroleum Institute (since at least 1948 to present and possibly earlier)
American Industrial Hygiene Association

National Safety Council (Shell Oil Company became a member of the National Safety Council beginning in 1948 and is presently a member. Continuity of the membership throughout the period is unknown).

Industrial Hygiene Foundation of America (since the early 1970's as best as can be presently determined)

Industrial Medical Association

Chemical Manufacturers Association (since at least 1949 to present, now known as the American Chemistry Council)

Texas Chemical Council

Defendant is unable to specify the name of each individual who may have attended a meeting over a 45-year time frame. Generally industrial hygienists may have attended meetings relating to industrial hygiene organizations and medical doctors may have attended meetings of medical organizations. Further, Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 4

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Defendant objects to this interrogatory because it is overly broad, vague and ambiguous, and not limited to the facilities where Plaintiff claims exposure, nor is it limited to the relevant time periods. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

Subject to the foregoing and without waiver of same, Defendant has employed well over 100,000 people and is unable to identify each seminar, symposium, conference or other gathering

that any officer, agent or representative of Defendant has attended concerning the subject of asbestos. Generally industrial hygienists would have attended local and national meetings on occasion of the American Industrial Hygienist Association, and physicians would have attended local meetings of Medical Society as well as national meetings. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 5:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds it is overly broad, vague, ambiguous and lacking in specificity. Defendant does not know the years in which Plaintiff has indicated he worked at Defendant's premises. Subject to the foregoing objection, Defendant is unable to list each company from which it may have received asbestos containing products used at Deer Park. Generally, asbestos containing products were used for insulation, packing, gasketing, and related uses. Defendant ceased purchasing asbestos containing insulation products in the early 1970's. Thereafter, asbestos free products were utilized for other purposes as those products became practicable and available. There are some applications for which no adequate substitute has been found. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 6:

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

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

ANSWER:

See objection to the definition of "abated" herein above. Defendant further objects to this interrogatory on the grounds that it is overly broad, vague, lacking in specificity, and not limited to the time period relevant in this case and, therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Plaintiff was not involved with asbestos abatement or storage, and this interrogatory is also not relevant for that reason.

Subject to the foregoing objection, Defendant states that it is unable to identify each person who may have "abated" asbestos products. Generally until the early 1970s products were replaced as needed based on their condition. Beginning in the early 1970s, asbestos-free pipe covering was utilized to replace existing insulation. Storage was as per OSHA regulations. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 7:

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

ANSWER:

Defendant objects to the interrogatory to the extent it is overly broad, vague, lacks specificity, and is unduly burdensome. This request seeks to require this Defendant to provide information broader than that required by the Texas Rules of Civil Procedure which only requires parties to provide the name, address and telephone number of persons with knowledge of relevant facts and their connection to the case. Defendant is unable to identify every person over a 50-year time frame who may have knowledge as specified by Plaintiff.

Subject to the foregoing, Defendant adopts by reference as though fully set forth herein the persons named in its response to Request for Disclosure as having knowledge of relevant facts and any supplements thereto. Furthermore, subject to and without waiver of the foregoing objections, Defendant states that it has in its possession of documents which may be responsive to this interrogatory. Pursuant to Rule 197.2(c), the documents will be made available for inspection and copying at a mutually agreeable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 8:

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

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

ANSWER:

Defendant objects to this interrogatory because it is overly broad, vague and ambiguous. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

Subject to and without waiver of the foregoing objections, some of the persons listed on Exhibits "B" and "D" are among those that may have had contact with contractors although not necessarily the Plaintiffs' employers in this suit. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

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

ANSWER:

Defendant objects to interrogatory No. 9 as being overly broad, vague, ambiguous and lacking in specificity. Subject to the foregoing and without waiver thereof, Defendant lists the persons on Exhibits "A", "B", "C" and "D" hereto which pertain to the Deer Park facility and its corporate headquarters prior to 1985 who may have had responsibility regarding the Deer Park facility.

INTERROGATORY NO. 10:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad and not limited to the time period relevant in this case.

Subject to the foregoing objections, Defendant states that it was the responsibility of the Plaintiff's employer to protect the Plaintiff from excessive exposure to asbestos consistent with the knowledge and judgment as it may have existed from time to time concerning the hazards of asbestos. Further, Defendant states that concerning the hazards of asbestos and information which may have been made available by Shell to contractors, such information to the extent it exists in Shell's files may be derived or ascertained from Defendant's business records and pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived from such records which will be made available at a mutually agreeable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 11:

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

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

ANSWER:

Defendant objects to this interrogatory as overly broad, lacking in specificity, and unduly burdensome. Subject to and without waiver of the foregoing objections, see the persons identified in Exhibits "A", "B" and "D". To the extent such information exists in Shell's files, it may be derived or ascertained from Defendant's business records and pursuant to Rule 197.2(c), any further answer to this interrogatory may be derived from such records which will be made available at a mutually agreeable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 12:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, not limited to the time period relevant, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of the foregoing objections, Defendant is unable to specify from whom each product was purchased, to the extent this Defendant may have purchased the product. Generally, asbestos-containing products were used for insulation, packing, gasketing, and related uses. Asbestos was also used in certain processes such as Hooker cells. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 13:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, unspecific, and not limited to the premises relevant to this case nor to the relevant time period. Subject to and without waiver of the foregoing objections (for time periods see Answer to Interrogatory No. 5), Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 14:

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

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

ANSWER:

Defendant objects to this interrogatory on the basis that the same is overly broad, vague, ambiguous and lacking in specificity. The results obtained may be ascertained from the documents made available. Generally the results show levels within accepted standards. The names of the persons performing the monitoring may be ascertained from the records made available. Howard Kusnetz and Jerry Ransdell (see Exhibit "B") are among those knowledgeable concerning the results of monitoring. Further answer to this Interrogatory may be ascertained from Defendant's records and pursuant to Rule 197.2(c) any further answer may be derived from Defendant's business records which will be made available at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 15:

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

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

ANSWER:

Defendant objects to this interrogatory as the same is overly broad, lacking specificity, and is not limited to any time frame which is relevant to the issues which may be involved in this suit, nor to any specific premises of this Defendant which is at issue in this lawsuit. Subject to the foregoing objections, it was the responsibility of contractors to provide safety equipment for their employees. Defendant states that Defendant has provided information to its employees concerning respiratory protection for dusts since at least 1942 and for asbestos specifically since 1945. Over time additional information has been provided as the knowledge of the potential hazards of asbestos exposure has changed. Shell Oil Company may have in its possession certain documents which contain information responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this Interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 16:

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

ANSWER:

Defendant objects to this interrogatory on the grounds that is overly broad, vague, ambiguous, not limited to a facility where it is alleged Plaintiff might have worked, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the inquiry is vague as to the term "mandates or other authority."

Subject to and without waiver of the foregoing objections, during part of the time period, there were Texas regulations as well as the Walsh Healey Act, OSHA, and EPA regulations in effect during various time periods. Furthermore, Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 17:

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

ANSWER:

Defendant objects to this interrogatory because the same is overly broad, vague, ambiguous and lacking in specificity and not limited to the premises at issue. The interrogatory is vague insofar as any undefined "regulatory agency or other governing body".

Subject to and without waiver of the foregoing objections, Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Shell which may be examined at a reasonable time at One Shell Plaza, Houston, Texas.

INTERROGATORY NO. 18:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, nor is it limited to a facility owned by this Defendant where the Plaintiff alleges exposure and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the request is unduly burdensome, and Defendant does not maintain its records so that this information is easily attainable. Still further, this Defendant objects to this interrogatory to the extent that it seeks disclosure of information that would be protected from discovery by virtue of the of the personal privacy rights of non-party individuals who may have been involved.

Subject to the foregoing, Defendant states that the first workers compensation claim for an alleged asbestos injury arising out of its Deer Park facility was in 1976.

INTERROGATORY NO. 19

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

ANSWER:

Defendant owned and operated the Deer Park facility during the relevant time period; therefore, not applicable.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of

your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Defendant Shell Oil Company maintains its principal office in this state in Houston, Harris County, Texas. Defendant objects to the providing further information as the same is overly broad, harassing and seeks information not relevant to the inquiries herein nor likely to lead to the discovery of admissible evidence.

EXHIBIT "A"

Medical Department:

Shell Oil Company utilized contract doctors into the early 1970's when the corporate medical program was initiated in 1972. Dr. Roy Joyner became the first corporate medical director. He was succeeded by Dr. Charles E. Ross in 1988, and in 1997, Dr. R. B. Hunter succeeded Charles Ross.

The Home Office and Deer Park medical doctors have consisted of the following:

HOME OFFICE

<u>Employee Name/Last Known Address/Phone</u>	<u>Date of Hire</u>	<u>Date of Termination</u>
R. E. Joyner, M.D. 499 N. Post Oak Lane Houston, TX 77024 713-681-8920	05/15/72	02/29/88
C. E. Ross, M.D. 1707 Seven Maples Kingwood, TX	05/13/74	1997
D. E. Miller, M.D. former Associate Corporate Medical Director Shell Oil Company address not presently known	07/01/74	deceased 1/7/00
J. G. Simpson, M.D. Corporate Medical Director Marathon Oil Company P. O. Box 3128 Houston, TX 77253 713-296-2946	06/23/75 05/07/82 (rehire)	08/11/78 09/17/88
F. R. Jonas, M.D. 8291 Southwestern Blvd. Dallas, TX 75206 214-750-8351	09/09/77	03/23/79

B. J. Kern, M.D. Southern Bell 666 NW 79th Avenue, Room 125 Miami, FL 33126 305-263-2797	10/02/78	10/28/88
R. S. Marnoy, M.D. 7846 Bankside Drive Houston, TX 77071 713-776-0700	03/24/80	12/31/91
J. E. McKinley, M.D. Denver General Hospital 605 Bannock Street, Room 462 Denver, CO 80204 303-436-7738	08/02/82	08/30/83
S. A. Bergman, M.D. 3518 Corondo Court Houston, TX 77005 713-665-3842	12/05/83	12/15/92
Sally R. Cowles, M.D. former Medical Director, Health Surveillance - Epidemiology Medical Director Amoco Chemical Company 375 Northridge Road, Suite 330 Atlanta, GA 30350-3296	01/03/84	12/14/93
L. C. Waddell, M.D. Clinical Medicine Shell Oil Company P. O. Box 3464 Houston, TX 77252 713-241-3804	03/21/81	Active
R. B. Hunter, M.D. Medical Director beginning 1997 Shell International, Royal Dutch Shell The Hague, Netherlands	03/01/90	
M. W. Davis, M.D. address unknown	01/23/79	05/27/80

DEER PARK MANUFACTURING COMPLEX

<u>Employee Name/Last Known Address/Phone</u>	<u>Date of Hire</u>	<u>Date of Termination</u>
J. B. Gross, M.D. Kaiser Permanente 1001 - 12th Avenue Ft. Worth, TX 76104 817-336-1189	08/29/80	03/14/86
B. J. Kern, M.D. Southern Bell 666 NW 79th Avenue, Room 125 Miami, FL 33126 305-263-2797	10/02/78	01/28/88
R. A. Hughes, M.D. 15903 Craighurst Houston, TX 77059 713-486-5992	12/29/86	09/30/90
D. Bartenbach, M.D. address unknown	11/15/78	12/08/78
E. Schepper, M.D. Shell Oil Company Deer Park Manufacturing Complex P. O. Box 100 Deer Park, TX 77536 713-246-6303	03/01/89	Active
A. J. Thomann, M.D. Shell Oil Company Deer Park Manufacturing Complex P. O. Box 100 Deer Park, TX 77536 713-246-6304	08/20/90	6/25/93

EXHIBIT "B"

INDUSTRIAL HYGIENISTS

The Shell Oil Company's corporate industrial hygiene department was created in 1971 with the hiring of Howard Kusnetz, now retired, address: 5718 Braesheather, Houston, TX 77096, phone 713-723-2711, as manager of industrial hygiene. J. D. Ransdell, presently Sr. Staff Industrial Hygienist, Shell Oil Company, One Shell Plaza, Houston, Texas, joined Shell Oil Company in the mid 1970s and has been involved in industrial hygiene issues at Deer Park. Other industrial hygienists who have had assignments relating to the Home Office or Deer Park through 1993 are listed below. Defendant objects to providing the address of every industrial hygienist as not relevant; however, if there are specific industrial hygienists of interest, Defendant will provide last known address on request.:

<u>Employee Name</u>	<u>Location</u> <u>HO=Home Office; DPMC=Deer Park</u>
Dave P. Atwood	HO
Wayne P. Austin	HO; DPMC
Billy G. Baker	HO
O'Neil Banks	DPMC
Michael T. Barclay	HO
Barbara J. Bessette-Henderson	DPMC
Terri A. Colangelo	HO
William M. Cunningham	HO
James D. Davison	HO
Rand J. Duhe	HO
Susan J. Eastridge	HO
Robert E. Evans	DPMC
Elvis R. Green	HO
C. L. (Lee) Haring	HO
David W. Havis	HO
Larry D. Heugatter	HO
Robert K. Jones	HO (deceased)
Howard L. Kusnetz	HO
Julie LeFever	HO
Hank J. McDermott	HO
Melinda L. Ortiz	HO
Frank M. Parker, III	HO
Carolyn F. Phillips	HO
Greg W. Rachwitz	HO
Jerry D. Ransdell	HO; DPMC
Allen F. Schmit	HO; DPMC
Thomas A. Selders	HO
David B. Snyder	HO

Philip J. Snyder
Lynne D. Tackett
Brett G. Tatar
Mario J. Vasquez
Cindy S. Vickery
Glover Vos
Norman White

HO; DPMC
HO; DPMC
HO
HO; DPMC
HO
HO
HO (Shell Chemical Company) (deceased)

EXHIBIT "C"

EPIDEMIOLOGISTS

<u>Employee Name/Last Known Address/Phone</u>	<u>Date of Hire</u>	<u>Date of Termination</u>
D. S. (McCraw) Lewis 1920 Augusta #13 Houston, TX 77057 713-266-0454	4/11/77	08/24/88
S. P. Tsai Shell Oil Company Corporate Medical Department P. O. Box 2463 Houston, TX 77252 713-241-6078	10/31/88	Active

EXHIBIT "D"

SAFETY

1. R. R. Erickson
Superintendent DPMC - Health, Safety & Environmental
1981-1984
406 T Bar M Drive, New Braunfels, TX 78132
2. R. P. Frutiger
Superintendent, Safety & Industrial Hygiene, DPMC
1979-1981
96 Indigo Loop South, Destin, FL 32541
3. J. L. Rivard
Manager, Safety & Industrial Hygiene, DPMC
1975-1978
14910 Flower Wood Drive, Houston, TX 77062
4. F. G. Reitz
Manager, Safety & Training
1973-1974
4218 Shanna, Pasadena, TX 77504
5. R. L. Bryan, deceased
Manager, Safety - Houston Refinery
1970-1974
6. E. W. Smiths
Manager, Safety & Training
1968-1972
7. L. J. Grossheim, deceased
Manager, Safety - Houston Refinery
8. J. R. Lacy
Assistant Manager, Safety & Plant Protection
1962-1967
9. E. G. Saxon, deceased
Assistant Manager, Safety & Plant Protection
1960

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Defendant Shell Oil Company objects to this Request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, and therefore, seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Still further, this Defendant objects to this Request to the extent it is not limited to asbestos-containing thermal insulation products, which presumably forms the basis of the Plaintiffs' complaints herein and therefore rendering this Request to seeking production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to the foregoing objection, Defendant will make available for inspection documents responsive to this request at One Shell Plaza, Houston, Texas or at other sites where those documents are maintained in the ordinary course of business.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant would show that any systematic abatement of asbestos at Defendant's premises after the time period during which the Plaintiff stated that he worked at Defendant's premises can have no relevance to this case, and Plaintiff was not involved in the transportation of waste.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and lacks specificity. The Request is not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and therefore requests the disclosure of documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity, and is unduly burdensome. Further, the Request is not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because, as phrased, the request seeks proprietary information relating to its processes.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or video graphic depictions or films depicting the use of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this Request because it is overly broad, vague and ambiguous, nor is it limited to the relevant time periods. Subject to the foregoing objection, Defendant will make available for inspection documents, if any, responsive to this request at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, not limited to the time period or premises relevant in this case, and not limited to the matter made the basis of this suit, specifically, asbestos-containing thermal insulation products.

Subject to the foregoing objections, Defendant will make available for inspection documents, if any, responsive to this request at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, not limited to the matter made the basis of this suit, specifically, asbestos-containing thermal insulation products.

Subject to the foregoing objections, Defendant will make available for inspection documents, if any, responsive to this request at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE

Defendant objects to this Request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked. Further, the request is overly broad because it is not limited to the substance made the basis of this suit, asbestos, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject thereto, Defendant will make available responsive documents pertaining to asbestos relating to its Deer Park facility.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections, and further assuming that this Request is limited to the time period relevant in this case, this Defendant would respond by stating that documentation which may be responsive in whole or in part to this Request can be made available for inspection and copying at a mutually agreeable time at One Shell Plaza, Houston, Texas for the Deer Park facility and those maintained in its corporate headquarters.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked, nor is it limited to the product at issue in this case, that is, asbestos, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject thereto, Defendant will make available responsive documents pertaining to asbestos relating to its Deer Park facility and those in its corporate headquarters at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 13:

Please 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 because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably

tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 17:

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

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects because the request is not limited in scope to documents pertaining to issues relevant to this case. Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects because this request seeks to require production of documents protected by the attorney-client and work product privileges.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague, not limited to the subject premises, nor is it limited to the time period relevant in this case, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Defendant may have documents which would be responsive to this request, which can be made available for inspection and copying at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections, and further assuming that this Request is limited to the time period relevant in this case, this Defendant would respond by stating that over the years it has assembled otherwise discoverable documentation which may be responsive in whole or in part to this Request. These documents can be made available for inspection and copying at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, not limited in time nor to the premises at issue, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, not limited in time nor to the premises at issue, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loflin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Defendant has no documents relating to the medical condition of Plaintiff other than documents produced in discovery of this cause. Defendant will produce any defense medical examination report as it becomes available.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, lacking in specificity, and ambiguous insofar as it seeks "all documents relating to Plaintiff." Furthermore, this request is objectionable because it seeks to require Defendant to marshal its evidence as to Plaintiff. Subject thereto, Plaintiff was not Defendant's employee, and Defendant would have no documents relating to Plaintiff's work performance and/or personnel records other than those which may be obtained in discovery from Plaintiff's employer, if any.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent it could be construed as seeking production of documentation this defendant considers to be proprietary in nature, and therefore protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague, general and global, lacking in specificity, and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery requests and seeks to require this Defendant to

marshal its evidence. Further, this Defendant would object to this request to the extent it seeks production of documentation and/or the disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition", and the request is unlimited in time. Subject to the foregoing, if any such documents are located for the relevant time period, they will be made available at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, unduly burdensome, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Request as phrased could include documents which would violate the personal privacy privilege of Defendant's employees, and could include documents protected by the attorney-client and attorney work product privileges.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, and unlimited in time, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, Defendant will make available for inspection at a mutually agreeable time at One Shell Plaza, Houston, Texas, documents potentially responsive to this Request for the time period up to 1985.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague, general and global, lacking in specificity, and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery requests and seeks to require this Defendant to marshal its evidence. Further, this Defendant would object to this request to the extent it seeks production of documentation and/or the disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Further, this Defendant objects to this Request on the grounds that as phrased, it would necessarily violate the personal privacy rights of the non-parties who may be involved. Defendant further objects to the extent that this Request may seek to discover documents which were created regarding litigation as being in violation of the attorney work product and attorney client privileges.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant to this case nor is it limited to a facility where it is alleged the Plaintiff worked, nor is it limited to the products at issue in this case, that is, asbestos, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant to this case nor is it limited to a facility where it is alleged the Plaintiff worked, nor is it limited to the products at issue in this case, that is, asbestos, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unspecific, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant to this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, unspecific, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant to this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 38

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague and seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Defendant owned the Deer Park facility during the period at issue and, therefore, the request seeks documents not relevant to the inquiries in this suit, nor likely to lead to the discovery of admissible evidence.

Defendant further objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 41

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

RESPONSE:

Defendant owned the Deer Park facility during the period at issue, and therefore the request seeks documents not relevant to the inquiries in this suit, nor likely to lead to the discovery of admissible evidence. To the extent necessary Defendant denies that it is liable for a dangerous condition or activity created by a contractor.

Defendant further objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies), such documentation to include, by way of example and not limitations purchase or sale agreements, minutes, resolutions, annual reports, 10-K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Defendant owned the Deer Park facility during the period at issue, and therefore the request seeks documents not relevant to the inquiries in this suit, nor likely to lead to the discovery of admissible evidence. To the extent necessary, Defendant states that is generally controlled its premises but did not control the details of the work of its contractors.

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, byway of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10-K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Defendant owned the Deer Park facility during the period at issue, and therefore the request seeks documents not relevant to the inquiries in this suit, nor likely to lead to the discovery of admissible evidence.

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Defendant does not contend that its Deer Park facility was totally asbestos-free during the time period at issue. Defendant will make available for inspection documents reflecting the utilization of asbestos-free insulation products beginning in the early 1970's at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and is not limited to the time period relevant. Subject thereto, Defendant does not contend that its Deer Park facility was totally asbestos-free during the time period at issue. Defendant will make available for inspection documents reflecting the utilization of asbestos-free insulation products beginning in the early 1970's at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition" and is not limited in time nor to the premises at issue. Defendant further objects on the basis that there is no relevance to this request because Plaintiff would not have utilized or been exposed to any product manufactured by this Defendant. Subject thereto, Defendant will produce potentially responsive documents at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case nor the premises where Plaintiff alleges exposure and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the basis that there is no relevance to this request because Plaintiff would not have utilized or been exposed to any product manufactured by this Defendant. Subject thereto, Defendant will produce potentially responsive documents at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the basis that there is no relevance to this request because Plaintiff would not have utilized or been exposed to any product manufactured by this Defendant. Subject thereto, Defendant will produce potentially responsive documents at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case nor the premises where Plaintiff alleges exposure and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the basis that there is no relevance to this request because Plaintiff would not have utilized or been exposed to any product manufactured by this Defendant. Subject thereto, Defendant will produce potentially responsive documents at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Defendant object to this request because it is overly broad, vague, lacks specificity, and request disclosure of documents not relevant to the subject matter of this cause, asbestos, and therefore would require the production of documents wholly irrelevant to any issue in the cause and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the request is not limited in time.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Defendant object to this request because it is overly broad, unlimited in time, vague, lacks specificity, and requests disclosure of documents not limited to the subject matter of this cause, asbestos, and therefore would require the production of documents wholly irrelevant to any issue in the cause and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Defendant will make available for the relevant time period, documents pertaining to asbestos at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Defendant objects to this request because it is overly broad, unduly burdensome, and request information that is not relevant to the matters in this cause nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the request seeks documents that are a matter of public record. Defendant further objects because the request is not limited to representatives from its corporate staff or persons from the premises at issue. Defendant further objects to the request pertaining to testimony in insurance coverage as not relevant to the issues made the subject of this suit.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Defendant objects to this request because it is overly broad, unduly burdensome, lacking in specificity and requests information that is not relevant to the matters in this cause nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiffs employer and from plaintiffs employer to you during the Time Period At Issue.

RESPONSE:

Defendant objects to this request because it is overly broad, vague, not limited to the subject premises, not limited to a time period when a Plaintiff may have worked for an employer on Defendant's premises, not limited to matters relevant to this suit, that is asbestos, and therefore seeks

disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Defendant does not know the employer of Plaintiff, nor does it know or admit that the Plaintiff worked on its premises for any employer.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, not limited to the time period at issue in this cause and not limited to the subject premises, therefore, the request seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Defendant may have documents which would be responsive to the request, which can be made available for inspection at a mutually agreeable time One Shell Plaza, Houston, Texas.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the request is unduly burdensome as phrased.

REQUEST FOR PRODUCTION NO 59:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor to the premises at issue, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to and without waiving the foregoing objections this Defendant would respond by stating that documents for the relevant time period and the Deer Park facility can be made available for inspection and copying at a mutually agreeable time at One Shell Plaza, Houston, Texas, or at other sites where they are held in the ordinary course of business.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, ambiguous, lacking in specificity, and seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the request is not limited to relevant time periods nor to the premises at issue.

REQUEST FOR PRODUCTION NO. 61:

Please produce all workers' compensation policies which were in effect during the years that Plaintiff claims to have been on your premises. Please be sure to include the information page of the policy which describes who is covered by the policy.

RESPONSE:

Defendant objects to this request as the same is overly broad, lacking in specificity, not limited to the time period relevant in this case nor to the premises at issue and, therefore, seeks production of documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, the Plaintiffs are not employees of this Defendant and the worker's compensation policies are not relevant to contractors, and Defendant objects because the request as phrased would require this Defendant to guess at the years at issue.

**REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Defendant objects to this request as overly broad. Subject thereto, Admitted.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further objects because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was assumedly on Defendant's premises and what craft he may have been performing and for what employer.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further object because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was assumedly on Defendant's premises and what craft he may have been performing and for what employer.

Subject to the foregoing, Defendant is not aware of monitoring of Plaintiff for asbestos at Defendant's premises and therefore is not aware of documents related to Plaintiff. Defendant will make available monitoring documents for the relevant time period for Deer Park and those maintained at its corporate headquarters at a mutually agreeable time at One Shell Plaza, Houston, Texas.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to this request as overly broad, vague and lacking in specificity. Subject thereto, Defendant admits that some of its employees worked with asbestos containing products.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Defendant objects to the this request because it is overly broad, vague, and lacks specificity. Subject thereto, Defendant admits that some contractors on its premises worked with asbestos containing materials.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Defendant admits that it has been aware of the presence of asbestos-containing products on Defendant's premises during the relevant time period.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

Defendant admits that it has been aware of the use of asbestos-containing products on Defendant's premises during the relevant time period.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, and lacks specificity. Subject thereto, Defendant denies this request as to some of the relevant time period.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, and lacks specificity. Subject to the foregoing objection, Defendant admits that caution signs met OSHA requirements.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, and lacks specificity. Subject thereto, Defendant admits that it utilized asbestos-containing materials during portions of the years at issue. Defendant relied on product manufacturers to provide insulation products meeting its specifications.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Admitted that asbestos containing products were still in place. In the early 1970s Defendant specified the use of asbestos-free insulation.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Admitted that asbestos containing products were still in place. In the early 1970s Defendant specified the use of asbestos-free insulation.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Defendant objects to this request as being outside of the relevant time period at issue in this case.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos, whether such information was provided in English or Spanish.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos. Defendant further admits it required contractors to comply with applicable rules and regulations including OSHA requirements.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos, whether such information was provided in English or Spanish.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos. Defendant further admits it required contractors to comply with applicable rules and regulations including OSHA requirements.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Defendant further objects because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was allegedly on Defendant's premises and what craft he may have been performing and for what employer.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

Defendant admits that some asbestos-containing material is still in place on its premises.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

Defendant admits that some asbestos-containing material is still in place on its premises.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, lacking in specificity, and ambiguous and not limited to relevant time periods at issue. Further Defendant objects because the request seeks information not relevant to the issues in this case and not likely to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

Defendant objects to this request because it is overly broad and requests disclosure of information wholly irrelevant to any material issue in this cause and is not limited to relevant time periods at issue. Further Defendant objects because the request seeks information not relevant to the issue in this case and not likely to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacks specificity. There is no showing that any plaintiff did not understand English and the request is therefore not relevant. Further the term "business invitees" is so broad as to include anyone who may have set foot on the premises.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacks specificity. There is no showing that any plaintiff did not understand English and the request is therefore not relevant. Further the term "business invitees" is so broad as to include anyone who may have set foot on the premises.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, lacking in specificity and not limited to relevant time periods nor to the issues in this case. Subject thereto, Defendant states that it was the responsibility of contractors to provide the safety orientation to their employees.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking in specificity and not limited to relevant time periods nor to the issues in this case. Subject thereto, Defendant states that it was the responsibility of contractors to provide the safety orientation to their employees in English or Spanish as appropriate.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 39:

Admit that you hired Plaintiff's employer to do "turn around" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that it communicated with contractors commensurate with its exercise of general control over its premises.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it provided instructions as to the work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it provided instructions as to the work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it provided instructions as to the work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it sometimes provided specifications concerning work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further objects because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was assumedly on Defendant's

premises, for what employer, and what craft he may have been performing and for what employer. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it sometimes provided specifications for materials or equivalents and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further objects because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was assumedly on Defendant's premises and what craft he may have been performing and for what employer.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient

to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including completion dates for contracts, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including completion date for contracts, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it sometimes provided specifications for materials or equivalents and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises and provided completion dates for contracted work, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including the rejection of defective work, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including the rejection of defective work, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including the rejection of defective work, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including inspection for contractual compliance, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including inspection for contractual compliance, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Defendant objects to this request as the same is overly broad, vague and lacking in specificity. Subject thereto, the information known or easily obtained by Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant cannot admit or deny who Plaintiff's employer was or if Plaintiff was on Defendant's premises. Further, subject thereto, Defendant admits that, during the years at issue, it exercised the right of general control over its premises including inspection for contractual compliance, but denies that it controlled the details of the work of contractors or their employees.