

No.98-07665-F

CHARLES ERNEST BAKER, ET AL	§	IN THE DISTRICT COURT OF
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
OWENS CORNING FIBERGLAS, ET AL	§	116TH JUDICIAL DISTRICT

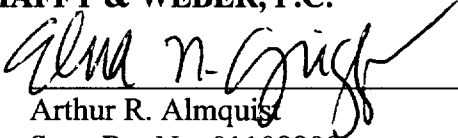
**DEFENDANT THE DOW CHEMICAL COMPANY'S OBJECTIONS AND
RESPONSES TO PLAINTIFF DONALD JOSEPH MCLEAN'S
FIRST REQUEST FOR ADMISSIONS AND
AND SECOND REQUEST FOR PRODUCTION**

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

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

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By: 

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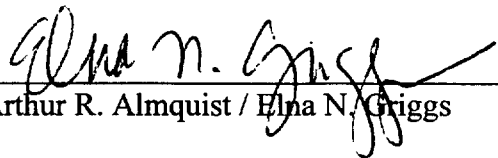
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**ATTORNEYS FOR DEFENDANT,
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

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



Arthur R. Almquist / Elna N. Griggs

GENERAL RESPONSES, OBJECTIONS AND ASSERTIONS OF PRIVILEGE

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

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

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

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

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

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

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

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

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

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

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

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

**OBJECTIONS AND RESPONSES TO
FIRST REQUEST FOR ADMISSIONS AND
SECOND REQUEST FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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

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

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos-containing products were utilized on Defendant's Premises between the years 1940 and 1968.

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

REQUEST FOR PRODUCTION NO. 2:

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

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

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

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

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 3:

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

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

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

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

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE: Plaintiff was fingerprinted prior to entering Dow's premises. Please see Plaintiff's fingerprint data attached at Exhibit A.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1940 and 1968, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

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

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

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

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1940 and 1968, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

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

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

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 8:

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

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

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

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 9:

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

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

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

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

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 8:

Admit that in 1940 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

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

REQUEST FOR PRODUCTION NO. 10:

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

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

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

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

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 11:

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

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

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

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing, produce all such warnings.

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

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

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1940-1968 for the purpose of protecting these employees from inhaling asbestos.

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

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 13:

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

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

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

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 14:

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

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

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

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 15:

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

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

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

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 16:

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

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

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

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 17:

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

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

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

REQUEST FOR ADMISSION NO. 18:

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

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

REQUEST FOR PRODUCTION NO. 18:

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

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

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

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 19:

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

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

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 20:

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

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

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

REQUEST FOR PRODUCTION NO. 21:

Produce all documents reflecting payments made to contractors between the years 1940 and 1968, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

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

since there were literally hundreds and perhaps thousands of contractors in place, this would include a tremendous number of documents. It is not calculated to lead to the discovery of admissible evidence, and therefore is immaterial and irrelevant to any matter in this case since it would include thousands of contracts that have no relationship whatsoever to Plaintiff's claims.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1940 and 1968 Defendant had the power to control Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 22:

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

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

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

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

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1940 and 1968, Defendant had the power to manage the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 23:

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

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

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

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

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1940 and 1968, Defendant had the power to direct the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 24:

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

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

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

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1940 and 1968, Defendant had the power to superintend the use or conditions of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 25:

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

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

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

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1940 and 1968, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE: Dow admits only that it controlled its own employees' operations at the Freeport location, including Plant A, Plant B, and Oyster Creek, controlled the access of independent contractors and other third-parties to the site and the terms of

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

REQUEST FOR PRODUCTION NO. 26:

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

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

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

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1940 and 1968, Defendant had the power to regulate the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 27:

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

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

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

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1940 and 1968, Defendant had the power to govern the use or conditions of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 28:

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

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

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

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1940 and 1968, Defendant had the power to oversee the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 29:

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

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

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

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

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years 1940 and 1968, Defendant had the power to administer the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 30:

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

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

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

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

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1940 and 1968 Defendant controlled Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 31:

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

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

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

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1940 and 1968, Defendant managed the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 32:

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

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

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

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1940 and 1968, Defendant directed the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 33:

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

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

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

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1940 and 1968, Defendant superintended the use or conditions of Defendant's Premises.

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

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

REQUEST FOR PRODUCTION NO. 34:

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

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

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

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1940 and 1968, Defendant restricted the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 35:

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

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

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

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1940 and 1968, Defendant regulated the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 36:

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

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

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

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1940 and 1968, Defendant governed the use or conditions of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 37:

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

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

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

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

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1940 and 1968, Defendant oversaw the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 38:

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

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

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

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

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1940 and 1968, Defendant administered the use or condition of Defendant's Premises.

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

REQUEST FOR PRODUCTION NO. 39:

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

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

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

REQUEST FOR ADMISSION NO. 40:

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

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

REQUEST FOR PRODUCTION NO. 40:

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

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

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

REQUEST FOR ADMISSION NO. 41:

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

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

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

REQUEST FOR PRODUCTION NO. 41:

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

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

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

REQUEST FOR ADMISSION NO. 42:

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

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

REQUEST FOR PRODUCTION NO. 42:

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

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

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

REQUEST FOR ADMISSION NO. 43:

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

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

REQUEST FOR PRODUCTION NO. 43:

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

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

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

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Admit that they were installed at some locations.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Admit that it was installed in some locations.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Admit that it was used at some locations.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Admit

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 50:

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

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

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

REQUEST FOR PRODUCTION NO. 51:

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

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

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, overly broad, unduly burdensome, and non-specific as to a time, place or event relevant to this lawsuit. *See Texaco Inc. v. Sanderson*, 898 S.W.2d 813, 818 (Tex. 1995). Defendant further objects to this request because it fails to describe with reasonable particularity the item or category of items sought to be inspected as required by Rule 196.1 of the Texas Rules of Civil Procedure, and because it seeks matters that are not relevant to the subject matter of this lawsuit or reasonably calculated to lead to the discovery of admissible evidence. Further, defendant objects to providing information that would violate any individual's privacy rights or that is protected from disclosure by the attorney client privilege, work product privilege, or any medical privilege.

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

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 53:

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

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

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

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

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 54:

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

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

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

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 55:

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

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

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

REQUEST FOR PRODUCTION NO. 56:

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

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

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

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Defendant does not have enough information at this time to address the issues of exposures at other locations.

REQUEST FOR PRODUCTION NO. 58:

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

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

REQUEST FOR PRODUCTION NO. 59:

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

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

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

REQUEST FOR PRODUCTION NO. 60:

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

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

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

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

REQUEST FOR PRODUCTION NO. 61:

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

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

REQUEST FOR ADMISSION NO. 58:

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

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

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE: Deny

REQUEST FOR ADMISSION NO. 60:

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

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

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Deny

REQUEST FOR PRODUCTION NO. 62:

If you contend that you did not own or control the facility during any time period that Plaintiff worked (or believes he worked) at the facility, 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; such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: Not Applicable.

**REQUEST FOR PRODUCTION
NO. 5**

Exhibit “A”