

Cause No. DV01-01021-B

WANA JOE McREYNOLDS, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
U. S. GYPSUM COMPANY, ET AL.	§	44TH JUDICIAL DISTRICT

**DEFENDANT E. I. DU PONT DE NEMOURS AND COMPANY'S
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, FIRST
REQUEST FOR PRODUCTION, AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff Ira St. Clair, by and through his attorney of record, D. Leanne Jackson, BARON & BUDD, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas, 75219.

Pursuant to Rules 196, 197, and 198 of the Texas Rules of Civil Procedure, E. I. du Pont de Nemours and Company ("DuPont") responds and objects to the following Interrogatories, Requests for Production and Requests for Admission.

PRELIMINARY STATEMENT

Information provided in these responses is based upon such information as presently is reasonably available to DuPont, and DuPont expressly reserves the right, without imposing on DuPont any duty not required by the Texas Rules of Civil Procedure, to supplement these responses when and if additional information or documentation comes to its attention. Unless otherwise indicated, the time frame covered by these responses is through 1985 for corporate and Victoria site documents and information. When the response to an Interrogatory or Request for Production indicates that documents will be produced or otherwise refers to documents, the documents that will be produced or that are being referred to, unless otherwise specifically indicated in the response, were collected from DuPont's corporate headquarters and/or its Victoria, Texas facility, which is the DuPont facility at which Plaintiff Ira St. Clair alleges he was exposed to asbestos-containing materials. The corporate and Victoria documents referred to in these responses have previously been produced to Plaintiff's counsel, but will be made available for inspection and copying again at the offices of Kirkley Schmidt & Cotten, L.L.P. at 10:00 a.m. on July 24, 2001.

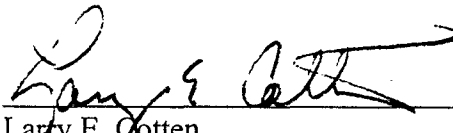
DuPont objects to this discovery in its entirety as overbroad and unduly burdensome because plaintiff Ira St. Clair has not provided adequate information for DuPont to investigate and prepare specific responses to this discovery. Ira St. Clair alleges in the McReynolds complaint that he worked on DuPont's Victoria site, but he does not provide the dates on which he allegedly worked at the Victoria site, the name of his employer, his trade or occupation, or information regarding the

manner in which he allegedly was exposed to asbestos at the Victoria site. In the spirit of cooperation and in order to avoid unnecessary discovery disputes, DuPont has responded to this discovery to the extent possible and for a reasonable timeframe through and including 1985.

DuPont objects to Requests for Admission that assume disputed facts. When DuPont objects to a specific admission on the basis that it "assumes disputed facts," DuPont is referring to facts on which Plaintiff Ira St. Clair has the burden of proof and that are currently disputed or are facts that DuPont reasonably believes will be disputed as investigation and discovery proceeds.

Responses made after objection are made without waiver of those objections. All responses are made subject to and without waiving this Preliminary Statement.

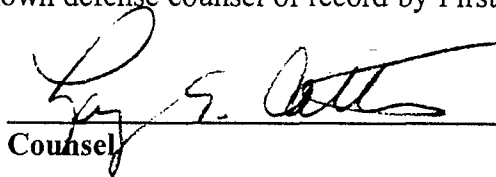
Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this pleading was served by Certified United States Mail, Return Receipt Requested, on this 6 day of July, 2001, on Plaintiff's attorneys of record, D. Leanne Jackson, BARON & BUDD, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219, and on all known defense counsel of record by First Class United States Mail.


Counsel

OBJECTION TO INSTRUCTIONS

1. DuPont objects to Plaintiff's instruction that it label all things produced in response to a request for production. DuPont will comply with Rule 196.3(c) in the production of documents.

OBJECTIONS TO DEFINITIONS

1. a. DuPont objects to Plaintiff's definition of "Defendant", "You", "Your", and "Your company" to the extent that it includes "subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates" because the definition is overbroad and seeks information that would be irrelevant and not calculated to lead to the discovery of admissible evidence in this case. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates".

b. DuPont objects to the portion of the Plaintiff's definition of "Defendant", "You", "Your", and "Your company" that refers to "all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and affiliates" because it is overbroad, vague, ambiguous, and requires DuPont to speculate about who may or may not come within the definition. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "predecessors, subsidiaries, and/or affiliates."

c. DuPont objects to the portion of Plaintiff's definition of "Defendant", "You", "Your", and "Your company" that defines "Predecessors" because it is overbroad, vague, ambiguous, and improperly attempts to require DuPont to answer for or with respect to separate legal entities for whose conduct or liabilities DuPont could not be responsible as a matter of law. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "Predecessors".

d. DuPont objects to the portion of Plaintiff's definition of "Defendant", "You", "Your", and "Your company" that defines "Subsidiaries" because it is overbroad, vague, ambiguous, attempts to expand unreasonably the meaning of a word that has a definite legal meaning, and improperly attempts to require DuPont to answer for or with respect to separate legal entities for whose conduct or liabilities DuPont could not be responsible as a matter of law. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any "Subsidiaries".

2. DuPont objects to the portion of Plaintiff's definition of "document", "documents", "written materials", or "printed matter" that refers to documents that "were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession, custody or control of their subsidiaries, whether domestic or international, or merged or acquired predecessors), or . . . regardless of who now has or formerly had custody, possession or control", because it is overbroad and attempts to expand DuPont's obligation to produce documents far beyond the requirements of the Texas Rules of Civil Procedure. Further, the definition amounts to an impermissible fishing expedition because DuPont is not being sued in this case for any alleged conduct of any subsidiaries or affiliates.

3. DuPont objects to Plaintiff's definition of "meeting" or "meetings" because it is overbroad, vague, ambiguous, and calls for speculation.

4. DuPont objects to Plaintiff's definition of "medical advisory capacity" because it is overbroad, ambiguous, and calls for speculation. It would include anyone on DuPont's "staff" who might have any medical "abilities or capabilities" (whatever that means) even if their job had nothing to do with any medical function.

5. DuPont objects to Plaintiff's definition of "identify" with respect to documents because it is overbroad, vague, ambiguous, and calls for speculation.

RESPONSES AND OBJECTIONS TO SPECIFIC DISCOVERY REQUESTS

The Preliminary Statement set forth above is adopted and incorporated into the responses and objections to each of the following Interrogatories, Requests for Production, and Requests for Admission as if fully repeated verbatim in response to each Interrogatory and Request. The Objections to Instructions and Objections to Definitions set forth above are adopted and incorporated into the responses and objections to each of the following Interrogatories, Requests for Production, and Requests for Admission in which the objected-to terms appear, as fully as if those objections were repeated verbatim in response to each such interrogatory and request.

INTERROGATORY NO. 1:

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

ANSWER:

DuPont objects that this interrogatory requests information that DuPont is not required by the Texas Rules of Civil Procedure to provide. Subject to and without waiving its objections, DuPont responds that given the fact that information used to respond to these interrogatories involves matters occurring decades ago, that it must be gathered from numerous sources, including DuPont records and other documents created, compiled, or collected by many different persons, including DuPont's counsel, it is not reasonable or possible to respond to this interrogatory as written. DuPont's responses were prepared by counsel based upon information received from a variety of sources.

INTERROGATORY NO. 2:

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

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

ANSWER:

DuPont objects to this Interrogatory because it is overbroad, burdensome, and is not limited to any circumstances reasonably related to Plaintiff's claims in this case.

Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that individual DuPont employees may have become aware at varying times, of a possible association between prolonged exposure to respirable asbestos fibers and disease in humans under some circumstances. The Company, however, after reasonable and good faith investigation, is unable to identify a particular date on which it, as a corporate entity, first knew of this possible association. In addition, knowledge of asbestos-related diseases and the circumstances associated with them developed gradually and was acquired over time; therefore, it is not possible to identify a specific date in response to this question as worded. Documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P., on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety

Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

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

ANSWER:

DuPont objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it would require DuPont to provide membership information concerning untold number of unspecified organizations. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it does not maintain a comprehensive central listing of all organizations and associations of which it may have been a member or in which it may have participated at a corporate level or at the site level. Furthermore, DuPont does not maintain a centralized list of its employees' memberships and affiliations. After reasonable investigation, DuPont has determined that it was a member of the following organizations:

1. Industrial Hygiene Foundation (name changed to Industrial Health Foundation in 1970) - DuPont was a member from approximately July 1936 through 1985;
2. American Petroleum Institute - DuPont was a member from 1949 (which API has indicated is as far back as its records go) through 1981, and then via Conoco's membership from 1982 through 1985;
3. National Safety Council - DuPont was a member from 1914 through 1985;
4. Chemical Manufacturers Association - DuPont was a member from 1917 through 1985; and

5. Texas Chemical Council - DuPont was a member from 1953 through 1985.

INTERROGATORY NO. 4:

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

ANSWER:

DuPont objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it would require DuPont to provide information regarding its employees attendance at an untold number of meetings of unspecified organizations. Subject to and without waiving its objections, DuPont states that it does not maintain a comprehensive central listing of all organizations and associations of which it may have been a member or in which it may have participated at the corporate level or at the site level. Furthermore, DuPont does not maintain a centralized list of its employees' memberships and affiliations. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 5:

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

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

ANSWER:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff Ira St. Clair allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue.

INTERROGATORY NO. 6:

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

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

ANSWER:

DuPont objects to this interrogatory because it is overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case.

INTERROGATORY NO. 7:

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

ANSWER:

DuPont objects to this interrogatory requesting a listing of "every person known to you" having "knowledge of facts relevant to this case" because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

INTERROGATORY NO. 8:

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

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

ANSWER:

DuPont objects to listing "every person known to you" of persons, agents, or contractors "whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors" because it is overbroad, vague and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents containing information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 9:

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

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every

person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

DuPont objects to this interrogatory because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiffs' claims against DuPont in this case.

Subject to its preliminary statement and without waiving any objection, DuPont states that the following individuals served as Corporate Medical Directors:

1. Allen James Fleming, M.D. (1954-66)
2. C.A. D'Alonzo, M.D. (1966-72)
3. J. Richard Zahn, M.D. (1972-77)
4. Bruce W. Karrh, M.D. (1977-83)
5. Burford Culpepper, M.D. (1983-1985).

The following individuals served as plant physicians at the Victoria facility:

1. C. B. Scott, M.D. (1951-52)
2. G. E. McGlothlen, M.D. (1952-66), deceased
3. O. E. Rhode, M.D. (1966-76), deceased
4. B. G. Campbell, M.D. (1975-77)
5. V. Pennington, M.D. (1977-78)
6. B. Culpepper, M.D. (1978-80)
7. J. A. White, M.D. (1980-81)
8. E. F. Kramer, Jr. M.D. (1981-82)
9. W. R. Konzen, M.D. (1982-85)

INTERROGATORY NO. 10:

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

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

ANSWER:

DuPont objects that the language "hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers" is overbroad, ambiguous, and argumentative. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it provided information to workers, both its own employees and independent contractors, at its Victoria facility at various times about a variety of potential workplace hazards. Nonprivileged documents containing information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 11:

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

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

ANSWER:

DuPont objects that the language "asbestos fibers, when inhaled, can be hazardous to the health of human beings" is overbroad, ambiguous, and argumentative. Defendant objects that the language "had" seeks documents no longer in DuPont's possession, custody, or control, and is therefore not proper under the Texas Rules of Civil Procedure. DuPont further objects to this interrogatory as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the

time frame relevant to this case or the asbestos-related disease allegedly suffered by Plaintiff. DuPont objects that this interrogatory lacks specificity and does not describe with reasonable particularity each item requested, and is therefore overbroad. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents containing information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 12:

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

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

ANSWER:

DuPont objects to this interrogatory as overbroad, unduly burdensome and irrelevant because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiffs' claims against DuPont in this case. DuPont objects that this interrogatory is impermissibly vague and ambiguous in that it fails to specify any particular "use of asbestos or asbestos containing products." In addition, DuPont objects to this interrogatory as outside the scope of permissible discovery because Plaintiffs do not allege that Plaintiff's injuries were caused by the use or exposure to any product manufactured by DuPont. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it did not manufacture asbestos-containing products at the Victoria facility.

INTERROGATORY NO. 13:

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

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

ANSWER:

DuPont objects to this interrogatory because it is overbroad, unduly burdensome, and is not limited to the DuPont site, time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue.

INTERROGATORY NO. 14:

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

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

ANSWER:

DuPont objects to this interrogatory because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 15:

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

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

ANSWER:

DuPont objects to this interrogatory because it is overbroad and is not limited to the DuPont site, time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case.

DuPont further objects that the term "safety equipment" is vague and ambiguous. DuPont further objects to this interrogatory where DuPont is requested to identify the person with the "most knowledge" of its "safety equipment" policies because of the lack of any reasonable or relevant time frame and the failure to limit the subject of the interrogatory to matters relevant to this lawsuit, as well as the vagueness and ambiguity of the interrogatory; further, it requires DuPont to speculate about who might have the "most knowledge" about whatever policies may be included in the interrogatory. The Texas Rules of Civil Procedure provide for disclosure of the identities of persons with knowledge of relevant facts, but they do not require parties to speculate or make determinations about who may have the "most" knowledge about a subject. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information regarding safety equipment will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

INTERROGATORY NO. 16:

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

ANSWER:

DuPont objects to this interrogatory for the reason that it is overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff was allegedly present at the Victoria site. DuPont further objects that the term "agency or other governing body" is vague

and ambiguous. Further, DuPont objects to the request for "all relevant State and Federal regulations, laws, statutes, mandates, or other authority" because it amounts to a request that DuPont perform Plaintiff's legal research for them. DuPont objects because the law is as readily available to Plaintiffs as to Defendant.

INTERROGATORY NO. 17:

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

ANSWER:

DuPont objects to this interrogatory for the reason that it is overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff was allegedly present at the Victoria site. DuPont further objects that the term "or other examiner" is vague and ambiguous. DuPont objects that this interrogatory is ambiguous and confusing since it is not limited asbestos or dust compliance regulations.

INTERROGATORY NO. 18:

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

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

ANSWER:

DuPont objects that this interrogatory is overbroad, unduly burdensome and irrelevant because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. DuPont further objects that this interrogatory constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. In addition, DuPont objects to this interrogatory to the extent that it seeks confidential and private employment and medical information with respect to DuPont employees and/or confidential workers' compensation files regarding individuals whose medical conditions are not at issue in this case. Subject to its preliminary statement and without waiving any objection, after reasonable investigation, DuPont states that it

first received a worker's compensation claim from a DuPont employee alleging asbestos-related occupational injury in 1974.

INTERROGATORY NO. 19:

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

ANSWER:

DuPont objects to this interrogatory because it is irrelevant, overbroad and is not limited in time frame or subject matter. DuPont further objects that this interrogatory is vague and ambiguous. DuPont objects to "describe in detail the facts supporting your contention and include a detailed corporate history" because, while Rule 197.1 allows a party to ask for the general factual bases of another party's contentions, it also prohibits the use of interrogatories to require a party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to its preliminary statement and without waiving any objection, DuPont states that it began construction of the Victoria facility in 1950, and has owned and operated the facility since that time.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

DuPont objects to the interrogatory because it is overbroad and outside the scope of the Texas Rules of Civil Procedure. Subject to and without waiving its objections and in accordance with its preliminary statement, Defendant refers Plaintiff to Defendant DuPont's Motion to Transfer Venue, Objection to Joinder under Section 15.003 of the Texas Civil Practice and Remedies Code and, subject to that Motion and Objection, Original Answer.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

DuPont objects to this request because it is overbroad, burdensome, and is not limited in time to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to documents indicating that Plaintiff was present at the Victoria site. DuPont further

objects to identifying all contractors and/or the employees of each of those contractors for the reason that this is overbroad and outside the scope of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to documents indicating that Plaintiff was present at the Victoria plant site. DuPont further objects to producing records regarding the methods and manner of identification of individuals for the reason that it is overbroad and outside the scope of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to contracts with Plaintiff's employer.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to contracts with Plaintiff's employer.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time periods that plaintiff allegedly was present at that site. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

DuPont objects that the language, "any warnings concerning the possibility of injury resulting from the use of asbestos-containing products," is overbroad, ambiguous, and argumentative. DuPont objects to the language that it produce "all documents concerning any warnings" for the reason that it is overbroad and not limited to the Victoria plant site during the times plaintiff alleges he was present at the site. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont states that it provided information to workers, both its own employees and independent contractors, at its Victoria facility at various times about a variety of potential workplace hazards. Documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time periods that plaintiff allegedly was present at that site. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad, and is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiffs' claims against DuPont in this case. DuPont further objects to the term "any inspections by any regulatory agency" used in this request as vague, ambiguous, and subject to different interpretations since it is not limited to compliance with regulations pertaining to asbestos and asbestos-containing materials. DuPont further objects to the extent this request is not limited to the Victoria facility.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad, and is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to

Plaintiff's claims against DuPont in this case. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

DuPont objects to this interrogatory because it is vague, ambiguous, overbroad, and is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

DuPont objects to this request because it is overbroad, burdensome, argumentative, and is not limited to any circumstances reasonably related to Plaintiff's claims in this case. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

DuPont objects to this request as vague and overbroad and outside the scope of the Texas Rules of Civil Procedure. While the Texas Rules of Civil Procedure allow a party to ask for general factual bases, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request fails to describe the documents sought with reasonable particularity and amounts to a general request to provide documents in DuPont's possession.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

DuPont objects to this request as vague and overbroad and outside the scope of the Texas Rules of Civil Procedure. While the Texas Rules of Civil Procedure allow a party to ask for general factual bases, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request fails to describe the documents sought with reasonable particularity and amounts to a general request to provide documents in DuPont's possession.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

DuPont objects to this request as vague and overbroad and outside the scope of the Texas Rules of Civil Procedure. While the Texas Rules of Civil Procedure allow a party to ask for general factual bases, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial. DuPont further objects that this request fails to describe the documents sought with reasonable particularity and amounts to a general request to provide documents in DuPont's possession.

REQUEST FOR PRODUCTION NO. 17:

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

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

RESPONSE:

DuPont objects to this request as overbroad and not limited to the time frame relevant to this case. Subject to its preliminary statement and without waiving any objection, a copy of DuPont's current record retention guidelines will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

DuPont objects to this request because it is compound, vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. In addition, DuPont objects to this request to the extent it seeks attorney work product.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

DuPont objects to this request as overbroad, vague, and ambiguous. DuPont further objects that this request lacks specificity and does not describe with reasonable particularity each item requested, and is therefore overbroad. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

DuPont objects to this request because it is compound, vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

DuPont objects to this request because it is compound, vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's

claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. DuPont objects to this request because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. In addition, DuPont objects to this request as unreasonable and unduly burdensome to the extent it purports to require DuPont to produce documents "disseminated or published by any trade group...that were attended by any of your employees or representatives." Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P., on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

DuPont objects to this request as overbroad, vague, and ambiguous and that the term "dangers of asbestos" is vague and argumentative. DuPont further objects to this request because it is not limited in time or location to any circumstances reasonably related to Plaintiff's claims in this case. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time periods that plaintiff Ira St. Clair allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

DuPont objects to this request for the reason that it is overbroad and assumes Plaintiff Ira St. Clair was employed by DuPont or worked at a DuPont facility. Subject to and without waiving its objections and in accordance with its preliminary statement, after reasonable investigation, DuPont has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

DuPont objects to this request for the reason that it is overbroad and assumes Plaintiff Ira St. Clair was employed by DuPont or worked at a DuPont facility. Subject to and without waiving its objections and in accordance with its preliminary statement, after reasonable investigation, DuPont has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. The request seeks documents that involve areas of the Victoria plant where arguably, Plaintiff was not and times when he was not present there. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information. Subject to its preliminary statement and

without waiving any objection, documents containing nonprivileged information will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

DuPont objects to this request because it is overbroad and does not comply with the rule requiring specific requests for documents. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), Comment 2 to Rule 193, and Rule 196.1(b). Further, the request on its face inquires into the theories, strategies, and mental impressions of DuPont's counsel, and therefore violates the work-product privilege.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time or location to any circumstances reasonably related to Plaintiff's claims in this case. In addition, DuPont objects to the use of the terms "photographs of asbestos products in place" being "manipulated in any way" as vague and ambiguous. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time or location to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. DuPont further objects to this request to the extent that it may seek confidential and private employment or medical information with respect to DuPont employees and/or confidential workers' compensation files.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time or location to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged

documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

DuPont objects to this request because it is overbroad and does not comply with the rule requiring specific requests for documents. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), Comment 2 to Rule 193, and Rule 196.1(b). Further, the request on its face inquires into the theories, strategies, and mental impressions of DuPont's counsel, and therefore violates the work-product privilege.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

DuPont objects to this request because it is overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont objects to this request to the extent that it may seek confidential and private employment or medical information with respect to DuPont employees and/or confidential workers' compensation files. DuPont objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

DuPont objects to this request because it is overbroad, vague, ambiguous, and is not limited in time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedures. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995). Further, DuPont objects to the request for "regulations" and "orders" to the extent it amounts to a request that DuPont perform Plaintiff's legal research for them. DuPont objects because the law is as readily available to Plaintiffs as to Defendant.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

DuPont objects to this request because it is vague, ambiguous, overbroad and is not limited in time or subject matter to any circumstances reasonable related to Plaintiff's claims in this case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

DuPont objects to this request because it is ambiguous and overbroad. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

DuPont objects to this request because it is ambiguous and overbroad and unduly burdensome in that it could be construed to require the production of every document that would reflect each corporate asset and liability of DuPont. The burden and expense of the request outweighs any likely benefit to the case. Subject to and without waiving its objections and in accordance with its preliminary statement, DuPont will produce copies of its annual report for the years 1996-2000.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

DuPont objects to this request because it is overbroad, not limited to the period of time relevant to this case, and the burden and expense of the request outweighs any likely benefit to the case. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the permissible scope of discovery under the Texas Rules of Civil Procedure. See, e.g., *Loftin v. Martin*, 776 S.W.2D 145, 148 (Tex. 1989) and *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

DuPont objects to this request as vague, ambiguous and confusing. DuPont objects to the terms "dangerous condition or activity" as vague, ambiguous and subject to different interpretations. DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to conditions which allegedly contributed to Plaintiff's injury. DuPont further objects to this request that it produce "all title documents" to support its contention, because, while the Texas Rules of Civil Procedure allow a party to ask for the general factual bases of another party's contentions, it also prohibits requiring a party to marshal all of its available proof or the proof the party intends to offer at trial.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not 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:

DuPont objects to this request for the reason that it is overbroad, ambiguous and not limited to the Victoria site during the time periods Plaintiff allegedly was present on that site. DuPont objects to the term "control" for the reason that it is vague, confusing, and subject to various interpretations. Subject to its preliminary statement and without waiving any objection, DuPont does not contend that it did not own the Victoria facility from 1950 to the present.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, 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:

DuPont objects to this request as overbroad and unduly burdensome. Subject to its preliminary statement and without waiving any objection, DuPont states that its legal name is E. I. du Pont de Nemours and Company. DuPont denies that it caused harm to Plaintiff and is a proper party to this litigation.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

DuPont objects that this request is overbroad, unduly burdensome and irrelevant because it is not reasonably tailored or limited in time to matters reasonably related to Plaintiff's claims against DuPont in this case. DuPont further objects that this request to produce "other similar documents relating to Defendant's Premises at Issue and liabilities arising from said ownership" is vague and ambiguous. DuPont incorporates and references its responses stated in Interrogatory No. 19.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that Plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant site during the time periods that Plaintiff allegedly was present on that site. Subject to its preliminary statement and without waiving any objection, and in accordance with its preliminary statement, nonprivileged documents pertaining to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria site or time periods that plaintiff allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to

specify particular asbestos-containing products at issue. Please refer to response to interrogatory number 12.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria site or time periods that Plaintiff allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Please refer to response to interrogatory response number 12.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria site or time periods that Plaintiff allegedly was present on the site. DuPont objects that the language "any industrial processes" is vague and ambiguous. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Please refer to response to interrogatory number 12.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria site or time periods that Plaintiff allegedly was present on the site. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to

specify particular asbestos-containing products at issue. Subject to its preliminary statement and without waiving any objection, DuPont states that it did not manufacture asbestos or asbestos containing materials at its Victoria facility. Please refer to response to interrogatory number 12.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the time period that Plaintiff allegedly was present at the Victoria site or the facts and circumstances surrounding Plaintiff's alleged exposure to asbestos at that site.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

DuPont objects to this interrogatory because it is vague, ambiguous, overbroad, and is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. Subject to its preliminary statement and without waiving any objection, nonprivileged documents containing information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

DuPont objects to this interrogatory because it is vague, ambiguous, overbroad, and is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. DuPont further objects to the extent that this request seeks documents not in DuPont's possession, custody, or control.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

DuPont objects to this request as overbroad, vague, ambiguous, and unduly burdensome to the extent it is not limited to testimony relating to DuPont's Victoria facility or events that occurred during the time period relevant to this case. DuPont further objects to this request on the grounds that it is overbroad, unduly burdensome, and irrelevant to the extent that it is not limited to testimony relating to claims alleging the asbestos-related disease allegedly suffered by the Plaintiff in this case. In addition, DuPont objects to the extent it seeks confidential medical information about individuals whose medical condition is not at issue in this case.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

DuPont objects to this request as overbroad, vague, ambiguous, and unduly burdensome to the extent it is not limited to cases relating to DuPont's Victoria facility or events that occurred during the time period relevant to this case. DuPont further objects to this request on the grounds that it is overbroad, unduly burdensome, and irrelevant to the extent that it is not limited to cases relating to claims alleging the asbestos-related disease allegedly suffered by the Plaintiff in this case.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Defendant objects to this request as ambiguous, vague, and confusing.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

DuPont objects that this request is overbroad, unduly burdensome and irrelevant because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. Subject to its preliminary statement and without waiving any objection, nonprivileged documents containing information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

DuPont objects that this request is overbroad, unduly burdensome and irrelevant because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case. DuPont further objects that this request lacks specificity and does not describe with reasonable particularity each item requested, and is therefore overbroad. If Plaintiffs will identify a reasonable number of books and journals in which they are interested, DuPont will conduct a reasonable investigation to determine whether they are in DuPont's possession, custody or control.

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

DuPont objects to this request because it is overbroad, unduly burdensome, and is not limited in time or subject matter to any circumstances reasonably related to Plaintiff's claims in this case. DuPont further objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE:

DuPont objects that this request is irrelevant because it is not reasonably tailored or limited in time, location, or circumstances to matters reasonably related to Plaintiff's claims against DuPont in this case.

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

DuPont objects to this request as overbroad and unduly burdensome. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify a particular timeframe or asbestos-containing products or machinery at issue. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing products were present at the Victoria plant. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

DuPont objects to this request because it is overbroad and unduly burdensome, and assumes disputed facts. Subject to its preliminary statement and without waiving any objection, as stated above, upon reasonable investigation, DuPont has not located documents indicating that plaintiff was present at the Victoria plant site. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

DuPont incorporates and references its objections stated in Request for Admission No. 2.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

DuPont objects to this request because it is irrelevant since it is not limited in time. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE:

DuPont objects to this request because it is overbroad and unduly burdensome, and is an improper use of a request for production of documents. Subject to its preliminary statement and without waiving any objection, as stated above, upon reasonable investigation, DuPont has not located documents indicating that plaintiff was present at the Victoria plant site.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

DuPont objects to this request because it is overbroad and unduly burdensome, and assumes disputed facts. Subject to its preliminary statement and without waiving any objection, as stated above, upon reasonable investigation, DuPont has not located documents indicating that plaintiff was present at the Victoria plant site.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present on that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or machinery at issue. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing products have been used at the Victoria plant. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present on that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or machinery at issue. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing products have been used at the Victoria plant. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present on that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products at issue. DuPont objects that the language "was aware" is vague and ambiguous. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing products have been used at the Victoria plant. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present on that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or machinery at issue. DuPont objects that the language "was aware of the use" is vague and ambiguous. DuPont further objects that this request is compound and assumes disputed facts. Therefore, DuPont cannot admit to the whole of the

request. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing products have been used at the Victoria plant. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts and irrelevant to the extent it is not limited to the Victoria plant during the time periods that plaintiff allegedly was present at that site. DuPont further objects to the terms "warning, caution or hazard signs" as vague, ambiguous and lacking adequate specificity. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome, and assuming disputed facts to the claims being brought by Ira St. Clair. DuPont further objects to the terms "warning, caution or hazard signs" as vague, ambiguous and lacking adequate specificity.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

DuPont objects to this request as overbroad and unduly burdensome. DuPont objects to the term "materials" as vague and ambiguous. Subject to its preliminary statement and without waiving any objection, DuPont admits that asbestos-containing materials were specified for use at the Victoria site for certain purposes. DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period when the plant had been constructed and when plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing materials have been used at the Victoria plant. Defendant DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period when the plant had been constructed and when plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing materials have been used at the Victoria plant. Defendant DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period when the plant had been constructed and when the plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products

or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing materials have been used at the Victoria plant. Defendant DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing materials have been used at the Victoria plant. Defendant DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. Subject to its preliminary statement and without waiving any objection, DuPont admits, in part, that some asbestos-containing materials have been used at the Victoria plant. Defendant DuPont denies the remainder of this request as stated.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period plaintiff allegedly was present at that site. DuPont further objects that it assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request for admission.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the claims being brought by Ira St. Clair. DuPont further objects that it assumes disputed facts.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the extent it is not limited to the claims of Ira St. Clair. DuPont further objects that it assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request for admission.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the claims being brought by Ira St. Clair. DuPont further objects that it assumes disputed facts.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the extent it is not limited to the claims of Ira St. Clair. DuPont further objects that it assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request for admission.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE:

DuPont incorporates by reference the objections and response to Request for Admission No. 20. Subject to its preliminary statement and without waiving any objection, nonprivileged documents containing information pertaining to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on July 24, 2001, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. DuPont further objects to the multifarious nature of this request. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos is still in use at its Victoria facility.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present at that site. DuPont objects that this request is impermissibly vague and ambiguous in that it fails to specify particular asbestos-containing products or materials at issue. DuPont further objects to the multifarious nature of this request. Subject to its preliminary statement and without waiving any objection, DuPont admits that some asbestos is still in place at its Victoria facility.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

DuPont objects to the language "contracted" and "for work" as vague and ambiguous. DuPont objects to this request as irrelevant to any claims brought by the Plaintiff. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government paid Defendant more than \$10,000.00 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

DuPont objects to the language "contracted" and "for work" as vague and ambiguous. DuPont objects to this request as irrelevant to any claims brought by the Plaintiff. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

Subject to its preliminary statement and without waiving any objection, DuPont admits that it has owned and operated the Victoria plant from 1950 through 1985. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned and operated the Victoria plant from 1950 through 1985. DuPont otherwise denies this request as stated.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

DuPont objects to the language "time period in question" as vague and ambiguous since no years have been disclosed. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

DuPont objects to this request irrelevant to the extent it is not limited to the Victoria plant during the time period that plaintiff allegedly was present at that site. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

DuPont objects to the language "aware" and "business invitee" as vague and ambiguous and subject to different interpretations.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

DuPont objects to the language "business invitee" as vague and ambiguous and subject to different interpretations. DuPont objects to this request as irrelevant to any claims brought by the plaintiff.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to any time period. DuPont objects to the language "contractor employees" as vague, ambiguous, and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

DuPont objects to this request as irrelevant to any claims brought by the Plaintiff.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

DuPont objects to this request as overbroad and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "communicated with" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "instructed" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "instructed" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "showed" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "indicated" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE:

DuPont incorporates by reference the objections and response to Request for Admission No. 43.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "indicated" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE:

DuPont incorporates by reference the objections and response to Request for Admission No. 44.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "told" is vague and ambiguous. DuPont denies this request as stated

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "told" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "told" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "told" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "told" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "power to correct" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "power to require" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "power to stop" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "observed the work" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "inspected the work" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "approved the work" is vague and ambiguous. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

DuPont objects to this request as overbroad, and unduly burdensome. DuPont objects that the term "power to control" is vague and ambiguous. DuPont denies this request as stated.

STATEMENT UNDER RULE 193.3(a)

Information or material responsive to the following discovery requests, as limited by DuPont's Preliminary Statement and its objections, has been withheld on the basis of attorney-client privilege and work product: Requests for Production 8, 11, 12, 13, 19, 22, 31, and Interrogatories 2, 10, and 11.

VERIFICATION

I, Calissa W. Brown, hereby certify the following:

- (1) I am Assistant Secretary of E. I. du Pont de Nemours and Company, a corporation,
- (2) I am authorized to execute this verification on behalf of E. I. du Pont de Nemours and Company,
- (3) that the facts stated in the foregoing Defendant E. I. du Pont de Nemours and Company's Responses to Plaintiff's First Set of Interrogatories have been assembled by authorized employees and the attorneys of E. I. du Pont de Nemours and Company,
- (4) that certain of the matters stated therein are not within my personal knowledge, and
- (5) that I am informed and verify that the facts stated therein are true and correct to the best of my information and belief.

I declare under penalty of perjury under that the foregoing is true and correct.

E. I. DU PONT DE NEMOURS AND COMPANY

Date: 7/5/01

Calissa W. Brown
Assistant Secretary

Sworn and subscribed to before me
this 5th day of July, 2001

Dana M. King
Notary Public in and for the State of Delaware

DANA M. KING
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Sept. 27, 2002

CAUSE NO. DV01-01021-B

WANA JOE McREYNOLDS, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
U. S. GYPSUM COMPANY, ET AL.	§	44TH JUDICIAL DISTRICT

**DUPONT'S RESPONSE TO
TEXAS RULES OF CIVIL PROCEDURE 194.2 DISCLOSURES**

TO: Ira St. Clair, Plaintiff, by and through his attorney, Stephanie Finch, address is Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 194.2 of the Texas Rules of Civil Procedure, E. I. du Pont de Nemours and Company makes the following disclosures in response to Plaintiff's Request for Disclosure.

1. Rule 194.2(a) Disclosures
Correct Name of Party

The correct name of this party is E. I. du Pont de Nemours and Company.

2. Rule 194.2(b) Disclosures
Potential Parties

This defendant is unaware, at this time, of any other potential parties to this litigation.

3. Rule 194.2(c) Disclosures
Legal Theories and Factual Bases of Claims or Defenses

DuPont's legal theories and the factual bases of claims or defenses are still being developed at this time. The following legal theories and factual bases may be amended or supplemented as information is developed.

DuPont was not negligent because it acted with reasonable care under the circumstances.

According to Plaintiff's Amended Petition, plaintiff's claims against DuPont are based solely on Mr. St. Clair's alleged exposure while working at DuPont's facility in Victoria, Texas.

It is DuPont's legal theory that the alleged claims and parties have been improperly joined in this action and that individual claims and parties, or discrete groups of claims and parties, should be severed. Thus, joinder is improper.

It is DuPont's legal theory that plaintiff's claims are potentially barred by applicable statutes of limitation, repose or laches. The factual bases for this theory rest on the potential that each Plaintiff's diagnosis, awareness and knowledge of an asbestos related condition occurred at such a time as to be barred from now bringing that claim.

It is DuPont's legal theory that plaintiff's injuries and damages were caused by Mr. St. Clair's negligence. Further, it is DuPont's legal theory that DuPont owed no duty to plaintiff. The vast majority of Mr. St. Clair's exposure occurred other than on DuPont's premises. Mr. St. Clair's exposure, if any, on DuPont premises was the result of conduct, negligence, conditions or activities created by Mr. St. Clair himself or his employer. Mr. St. Clair's alleged illness was not caused, in whole or in part, by any act or omission of DuPont.

4. Rule 194.2(d)
Amount and any Method of Calculating Economic Damages

DuPont denies that plaintiff is entitled to recover any damages, economic or otherwise, against it. Furthermore, as of the making of this disclosure, plaintiff has not provided DuPont with any calculation of any economic damages that he may be claiming; therefore, DuPont is unable at this time to respond to any method of calculation that plaintiff may employ.

Any method used to calculate economic damages should be limited by all statutory and common-law limitations on the amount of recovery.

5. Rule 194.2(e) Disclosures
Persons with Knowledge of Relevant Facts

Based on the limited information available to DuPont at this time regarding the nature and circumstances of Plaintiffs' alleged claims, it is believed that those listed below may have knowledge of relevant facts. As the facts of the case are further developed, this response will be supplemented.

James E. Borden, Jr.
2908 Arroyo Drive
Victoria, Texas 77901
(512) 573-3135

Bruce W. Karrh, M.D.
7 Blackhawk Trail
Savannah, Georgia 31411
(912) 598-8992

Robert E. Keith
219 Wearden Drive
Victoria, Texas 77904
(512) 578-5650

Tommy A. Thompson
102 Woodcreek Circle
Victoria, Texas 77904
(512) 575-5127

To the extent persons are allowed to testify at the trial in this matter, DuPont hereby cross-designates persons with knowledge of relevant facts and co-workers of Ira St. Clair.

6. Rule 194.2(f) Disclosures
Testifying Experts

1. **Morton Corn, Ph.D.**
Department of Environmental Health Sciences
The Johns Hopkins University
615 North Wolfe Street, Room 6010
Baltimore, Maryland 21205
(410) 955-3602
(410) 955-9334 facsimile

Dr. Morton Corn is a professor emeritus with the Johns Hopkins University's Department of Environmental Health Sciences in Baltimore. He is currently Director, National Institute of Occupational Safety and Health (NIOSH) Educational Resource Center in Occupational Safety and Health for Training Physicians, Nurses, Hygienists and Safety Professionals, and Director, Division of Environmental Health Engineering.

Dr. Corn is an industrial hygienist with long-standing experience in addressing asbestos-related issues from the perspective of an industrial hygienist and government regulator. He received his Ph.D. degree in Industrial Hygiene and Sanitary Engineering from Harvard University's Division of Engineering and Applied Physics in 1961. He served as Assistant Secretary of Labor for the Occupational Safety and Health Administration ("OSHA") from 1975 to 1977 during the Ford Administration.

Dr. Corn may testify concerning the following subjects: (a) the uses and characteristics of asbestos and asbestos-containing products; (b) the development of industrial hygiene and occupational safety and health in the United States; (c) the evolution of knowledge in the industrial hygiene community concerning the potential health hazards associated with exposure to dust and asbestos; (d) the characteristics of asbestos dust and fibers and measurements of airborne concentrations of asbestos dust and fibers; (e) standards, guidelines, procedures and practices relating to the control of potential exposure to dust and asbestos dust; (f) exposure assessment and associated exposures for non-asbestos workers and the general public; (g) DuPont's industrial hygiene practices and procedures; and (h) DuPont's practices, programs and procedures for the health and safety of its employees. Dr. Corn is expected to address these subjects in a general context, and also as they relate to DuPont. Dr. Corn is expected to discuss the specific factual allegations by plaintiffs regarding conditions, procedures, and practices at DuPont. Dr. Corn's testimony is based upon (1) his extensive experience and training in the fields of industrial hygiene and occupational health and safety, (2) knowledge of relevant literature, (3) review of documents, discovery, and testimony regarding plaintiff's allegations, (4) review of relevant DuPont documents; and (5) review of the record in this case.

2. **Richard J. Lee, Ph.D.**
RJ Lee Group
350 Hochberg Road
Monroeville, Pennsylvania 15146
(724)325-1776

Dr. Richard J. Lee is President of the RJ Lee Group, Inc., a consulting firm and analytic laboratory in Pittsburgh. Prior to his affiliation with the RJ Lee Group, Dr. Lee was head of the U.S. Steel Technical Center's Electron Microscopy and Surface Analysis Section for 12 years. He is a theoretical physicist by training, and received his Ph.D. degree from Colorado State University. Dr. Lee was a member of the Health Effects Institute's Literature Review Panel on Asbestos in Buildings, commissioned by Congress. He has also performed work for the EPA and served on various EPA panels and committees regarding asbestos issues. He has also performed investigations of naturally occurring asbestos and other minerals and methods for detection and identification of such minerals. This has included analysis of bulk, air, water, soil and dust samples.

The subject matters on which Dr. Lee may testify include: (a) the history of the guidelines and standards governing exposure to asbestos; (b) the development of scientific knowledge regarding the measurement of asbestos in the air; (c) the aerodynamics of fibers; (d) exposure levels of various activities in the workplace and in public, commercial and private residences including relevant DuPont facilities; (e) analysis and production of bodies of air sampling data for the Environmental Protection Agency and other governmental and private entities regarding naturally occurring forms of asbestos in the environment; (f) the release of asbestos from clothing; and (g) the results of experiments conducted by himself and others.

Dr. Lee is expected to testify based on (1) his extensive experience and training, (2) knowledge of relevant literature and data, (3) review of documents, discovery, and testimony regarding the plaintiffs' allegations, and (4) review of relevant DuPont documents.

3. **James M. Crapo, M.D.**
Chairman, Department of Medicine
National Jewish Medical and Research Center
1400 Jackson Street
Denver, Colorado 80206
(303)398-1436

Dr. Crapo is a physician specializing in pulmonary medicine. He is Chairman of the Department of Medicine at the National Jewish Medical and Research Center in Denver, Colorado. He is a former Professor of Medicine and Professor of Experimental Pathology at Duke University Medical Center. Dr. Crapo has carried out extensive research into the mechanisms of pulmonary disease resulting from the inhalation of particulates, including the processes associated with asbestos-related disease.

Dr. Crapo is expected to testify generally about the reactions of the lungs to inhaled particulates and foreign substances in both industrial and non-industrial environments. Dr. Crapo is expected to discuss, in particular, the biological effects of exposure to asbestos dust, and the etiology of asbestos-related disease. Dr. Crapo is expected to testify that the risk of asbestos-related lung disease is related to dose, and will provide his opinions regarding the levels of asbestos exposure necessary to produce disease. He may also testify concerning his asbestos-related studies and publications as well as other literature and studies related to asbestos-related diseases.

Dr. Crapo may also review the x-rays and other medical records of Mr. St. Clair and render opinions regarding the presence or absence of asbestos-related abnormalities in Mr. St. Clair's lungs. Dr. Crapo is expected to describe the diagnostic criteria and methods used in the diagnosis of asbestosis and other asbestos-related conditions. Dr. Crapo may critique the diagnostic reports of the plaintiffs' experts as they relate to plaintiffs' alleged conditions. Dr. Crapo may render opinions regarding the probable cause or causes of Mr. St. Clair's condition.

4. **Dr. Bruce W. Karrh**
7 Blackhawk Trail
Savannah, Georgia 31411
(912) 598-8992

Dr. Bruce W. Karrh was the Vice President for Integrated Health Care for DuPont from 1993 until 1996 when he retired. Dr. Karrh received a Bachelor of Science degree in Chemistry from the University of Alabama at Tuscaloosa in 1958 and a Medical degree from the Medical College of Alabama in Birmingham in 1962. He entered the United States Army and performed a rotating

internship in 1963 at Brooke General Hospital, Fort Sam Houston, Texas. From 1963 to 1965, Dr. Karrh was a flight surgeon in the U.S. Army medical corps, and from 1965 to 1970, he was in private practice in Athens, Alabama. In 1970, Dr. Karrh became the Medical Supervisor for DuPont's Spruance Plant where he remained until 1973. At that time he became the Research Manager of the Environmental Sciences Group at Haskell Laboratory until 1974. DuPont then appointed Dr. Karrh Assistant Medical Director and then Medical Director in 1977. In 1983, Dr. Karrh was named General Director, Medical, Safety and Fire Protection for DuPont. He was then named Vice President for Safety, Health and Environmental Affairs in 1984 - a position he held until 1993.

Dr. Karrh was a long-standing DuPont employee experienced in addressing health and safety-related topics and issues at DuPont. As part of his duties at DuPont, Dr. Karrh gained knowledge, both historical and current, regarding DuPont's history of and practices regarding safety throughout the company. In the course of his duties, Dr. Karrh became familiar with the history of and practices regarding DuPont's approach to workers' safety and health issues involving exposure to dust and asbestos dust. Much of Dr. Karrh's testimony will be fact testimony; however, he may express opinions in some areas that may be considered expert opinions. Out of an abundance of caution, DuPont is designating Dr. Karrh as an expert because he may be asked to provide such opinions.

Dr. Karrh may testify concerning the following subjects: (a) DuPont's history of providing for health and safety of its employees; (b) policies, procedures and programs for the health and safety of workers including those addressing dust and asbestos dust; (c) medical screening, monitoring and surveillance of DuPont employees; and (d) evolution and understanding of potential health hazards posed by exposures of workers to dust and asbestos dust.

Additional Expert Designations

Plaintiff has not provided adequate information about his alleged disease, current medical condition and testifying experts to allow DuPont to determine which additional experts it may need in this case. Further, plaintiff has not provided reports from his experts regarding what opinions they may assert with respect to DuPont or plaintiff's claims against DuPont, nor has plaintiff made his experts available to DuPont for deposition. As recognized by the Texas Rules on discovery and expert designations, DuPont is not in a position to make more extensive expert designations under these circumstances. To require a party to retain experts without the benefit of this essential information puts the party to an undue burden and unnecessary expense. DuPont will supplement this designation, if necessary, after adequate information is provided with respect to plaintiff's testifying experts.

5. It is anticipated that a radiologist with specialized training and experience in "B" Readings will be necessary to review, interpret and render opinions regarding x-rays of Mr. St. Clair. This expert is expected to testify generally about presentations seen on x-rays and to explain the presentation that is seen. It is also anticipated that this expert would testify specifically about the

findings seen on Mr. St. Clair's x-ray films and is anticipated to render an opinion regarding the absence or presence of the findings of any asbestos-related condition of the lung.

6. It is further anticipated that a pulmonologist will be designated to discuss the physical condition of Mr. St. Clair and also to discuss Mr. St. Clair's medical records. This expert is also expected to discuss the anatomy and function of the respiratory system in the human body. This expert is expected to discuss the nature of asbestos, the symptomatology, disease process and diagnosis of asbestosis and cancers associated with the respiratory and related systems. It is also anticipated that this expert will testify regarding the methods of diagnosis of alleged asbestos-related diseases as compared to other non-asbestos related diseases. It is anticipated that this expert will also discuss historical and/or medical literature pertaining to asbestos-related conditions and other diseases of the respiratory and related systems.

7. To the extent any experts designated by other parties are allowed to testify at the trial in this matter, DuPont hereby cross designates all experts listed by all parties.

8. To the extent any physicians or representatives of health care facilities are listed by Plaintiff Ira St. Clair's experts or fact witnesses, DuPont reserves the right to call them as witnesses and to elicit opinions from them.

7. Rule 194.2(g) Disclosures
Indemnity and Insurance Agreements

DuPont will provide for inspection and copying a list of insurance policies that, subject to their terms, including financial terms, may afford coverage for the claims asserted against it in this action.

8. Rule 194.2(h) Disclosures
Settlement Agreements

None.

9. Rule 194.2(i) Disclosures
Witness Statements

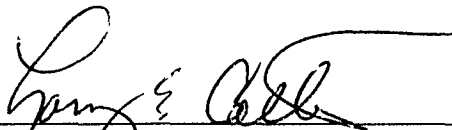
None.

10. Rule 194.2(j) Disclosures
Medical Records and Bills

The records, if any, are attached.

11. Rule 194.2(k) Disclosures
Medical Records and Bills obtained by virtue of an authorization

The records, if any, are attached. Further records will be provided as they are obtained.



Larry E. Cotten

State Bar No. 04861600

Dennis M. Conrad

State Bar No. 04706400

S. Jan Hueber

State Bar No. 20331150

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301 Commerce Street

Fort Worth, Texas 76102-4127

(817) 338-4500

(817) 335-4599 Fax

Attorneys for Defendant

E. I. du Pont de Nemours and Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served on Plaintiff's counsel by certified mail, return receipt requested, and a copy of the correspondence letter was served on all other known counsel by regular U.S. mail on this the 6th day of July, 2001.


Counsel