

CAUSE NO. 00-03032-00-0-B

JOHN WAYNE WALKER, ET AL.

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IN THE DISTRICT COURT

VS.

NUECES COUNTY, TEXAS

GAF CORPORATION (SUCCESSOR TO
RUBEROID CORPORATION), ET AL.

117TH JUDICIAL DISTRICT

**DEFENDANT DUPONT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO PLAINTIFF JESSE PAUL TURNEY****TO: Plaintiff Jesse Paul Turney, by and through his attorney, Stephanie Finch, BARON & BUDD, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.**

Defendant E. I. DU PONT DE NEMOURS AND COMPANY ("DuPont") requests that Plaintiff Jesse Paul Turney respond to the following interrogatories and requests for production no later than thirty (30) days after service, as required by the Texas Rules of Civil Procedure. Documents requested in the requests for production are to be made available for inspection, sampling, testing, photographing, and copying by DuPont's counsel at the offices of BARON & BUDD, P.C. at the address stated above, or at such other place as may be agreed by the parties. The time and date of production shall be 10:00 a.m. on April 16, 2001.

DEFINITIONS

1. "Plaintiff," "you," and "your" mean and include each and all of the plaintiff named in this lawsuit: Jesse Paul Turney.
2. "DuPont" means Defendant E. I. DU PONT DE NEMOURS AND COMPANY.
3. "Date" means the exact day, month, and year, if ascertainable, or if not, the best available approximation.

**DEFENDANT DUPONT'S FIRST SET OF INTERROGATORIES AND
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4. "Document(s)" means any printed, typewritten, handwritten, or other tangible things, including but not limited to: letters, memoranda, notes, forms, reports, charts, telegrams, brochures, calendars, books, newspapers, magazines, newsletters, publications of any kind, diaries, files, statements, invoices, shipping documents, medical records, business records, affidavits, declarations, witness statements, announcements, photographs, drawings, blueprints, plans, specifications, bids, audio recordings, video recordings, and all other forms of tangible information or tangible things.

5. "Premises" means real property, as well as any buildings, facilities, structures, or other improvements located on the property.

6. When an "address" is requested, it means the person's or entity's current or last-known business or residence address, and is to be stated as precisely as possible.

7. A "person with knowledge of relevant facts" has the same meaning as in Rule 192.3(c) of the Texas Rules of Civil Procedure.

8. "Medical Practitioner" means any medical doctor, physician, surgeon, doctor of osteopathy, chiropractor, psychologist, mental health counselor, or other person practicing any healing arts or sciences, as well as their employees and staff.

9. "Medical Facility" means any hospital, clinic, mobile x-ray or screening unit, or other facility of any kind in which medical, psychiatric, or psychological care, examination, testing, or service is provided.

10. "Medical Services" means any and every kind of medical, psychiatric, or psychological, or mental health procedure, examination, treatment, operation, care, testing, evaluation, diagnosis, screening, or other service, and includes but is not limited to lung or chest

x-rays, testing, or screening provided or sponsored by any employer, union, law firm, lawyer, or other person, entity, or organization.

INTERROGATORIES

INTERROGATORY NO. 1:

Please state the name, address, and telephone number of each fact witness that you expect to call to testify at trial, either live or by deposition, with respect to any of your claims against DuPont, and provide a brief statement of the subject of each such witness' anticipated testimony.

ANSWER:

INTERROGATORY NO. 2:

If any of you claim any damages for past or future medical costs, please state the following:

- (a) the dollar amount of past medical costs you are claiming;
- (b) the dollar amount of future medical costs you are claiming, and describe how the amount was computed.

ANSWER:

INTERROGATORY NO. 3:

If any of you claim any damages for loss of earnings or earning capacity in the past or future, please state the following:

- (a) the dollar amount of your lost earnings or earning capacity in the past, and describe how the amount was computed;
- (b) the dollar amount of your lost earnings or earning capacity in the future, and describe how the amount was computed;

ANSWER:

INTERROGATORY NO. 4:

If any funds have been paid or expended to any of you or on behalf of any of you by Medicaid, Medicare, Social Security, or any other government program, department, or agency, in connection with any Medical Services provided to Jesse Paul Turney or in connection with any other losses, expenses, or other damages relating to Jesse Paul Turney's alleged asbestos-related injury or disease, please list each payment or expenditure by date, name and address of payor, amount paid, and name and address of payee.

ANSWER:

INTERROGATORY NO. 5:

If any liens exist or are claimed as a result of Medical Services provided to Jesse Paul Turney, please state the name, address, and amount of money claimed by each person or entity with a lien or lien claim, and describe the Medical Services provided by the person or entity.

ANSWER:

INTERROGATORY NO. 6:

If any of you have obtained any judgment, have received or been awarded any recovery from the Manville settlement trust, or have entered into any covenant not to sue, settlement agreement, release, or any type of contract, agreement, or understanding of any nature (such judgments and other matters collectively being referred to as "recovery"), whether or not reduced to writing and whether or not fully performed or satisfied, concerning any portion of any causes of action or damages related to any alleged asbestos-related injuries or diseases, please state the following with respect to each recovery:

- (a) name and address of each person or entity against or from whom any recovery has been obtained or awarded or with whom any recovery has been entered into;
- (b) for each person or entity listed in response to (a), state the date of each recovery and the amount of money, or other consideration provided or to be provided, paid or to

be paid, or awarded, by or on behalf of that person or entity under the terms of the recovery.

ANSWER:

REQUESTS FOR PRODUCTION

You are requested to produce the following:

REQUEST NO. 1:

Copies of any and all Petitions, Complaints, and other pleadings (including any and all amended and supplemental petitions, complaints, and other pleadings) and any and all interrogatory and other discovery responses (including any and all amended and supplemented responses) served or filed, or authorized to be served or filed, by any of you or on behalf of any of you in any court or administrative agency, in any lawsuit or proceeding (other than this lawsuit) in which it was alleged that any of you suffered from any asbestos-related injury or disease.

RESPONSE:

REQUEST NO. 2:

All documents constituting, reflecting, memorializing, evidencing, or relating to any covenants not to sue, settlement agreements, contracts, deals, or any other type of agreement or understanding (whether or not reduced to final form and whether or not fully performed, paid, or satisfied) which any of you have entered into, or agreed to enter into, with any person, company, trust, or other entity, to compromise, settle, release, or otherwise resolve any claim or potential claim (including any lawsuit, other legal proceeding, worker's compensation claim, claim against the Manville settlement trust, or other claim) relating to any asbestos-related injury or disease that any of you have suffered, claimed to suffer, or might suffer in the future.

RESPONSE:

REQUEST NO. 4:

Copies of any and all judgments or awards in favor of any of you (whether or not final and whether or not fully paid or satisfied) in any lawsuit, proceeding, worker's compensation claim,

claim against the Manville settlement trust, or other claim involving or relating to any asbestos-related injury or disease.

RESPONSE:

REQUEST NO. 5:

All transcripts and videotapes of prior deposition, trial, or other sworn testimony in any lawsuit, proceeding, or claim involving or relating to asbestos (other than this lawsuit), given by any of you or by any person identified by any of you in this lawsuit as being a person with knowledge of relevant facts.

RESPONSE:

REQUEST NO. 6:

Copies of any and all witness statements (as described in Rule 192.3(h) of the Texas Rules of Civil Procedure) and affidavits given or made by any of you in any lawsuit involving any allegations of asbestos exposure or asbestos-related injury or disease, regardless of whether you were a party or were giving or making the statements or affidavits as a nonparty witness.

RESPONSE:

REQUEST NO. 7:

Copies of any and all witness statements (as described in Rule 192.3(h) of the Texas Rules of Civil Procedure) and affidavits made or given by any person identified by any of you in this lawsuit as being a person with knowledge of relevant facts, whether or not the witness statements or affidavits were made or given in connection with this lawsuit.

RESPONSE:

REQUEST NO. 8:

All documents relating to any litigation, proceeding, or claim arising out of or relating to any non-asbestos-related injury or disease that Jesse Paul Turney has ever suffered or claimed.

RESPONSE:

REQUEST NO. 9:

All documents depicting, describing, evidencing, or relating in any way to any conditions or activities relating to asbestos at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 10:

All documents evidencing or supporting your contention that Jesse Paul Turney was exposed to asbestos at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 11:

All documents depicting, describing, evidencing, or reflecting the identity of any asbestos-containing products or materials to which you contend Jesse Paul Turney was exposed at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 12:

All documents that any of you have reviewed or may review to assist in the identification of any asbestos-containing products or materials that you contend Jesse Paul Turney was exposed to at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 13:

All documents evidencing, confirming, or reflecting Jesse Paul Turney's presence on DuPont's premises in Victoria, Texas, or his employment by any employer that you contend he worked for at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 14:

All documents evidencing, reflecting, showing results of, or otherwise relating to any air monitoring, sampling, or testing for the presence or level of asbestos fibers or dust in general at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 15:

All documents showing or indicating the locations or uses of asbestos or asbestos-containing products or materials at DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 16:

All documents evidencing, reflecting, or relating in any way to any industrial-hygiene inspections, surveys, or studies, or any other safety inspections, surveys, or studies, of DuPont's premises in Victoria, Texas.

RESPONSE:

REQUEST NO. 17:

All documents that you contend show or tend to show that DuPont knew, or in the exercise of reasonable care should have known, at or prior to the time that Jesse Paul Turney was on its premises in Victoria, Texas, that any condition or activity on those premises involving asbestos or asbestos-containing products or materials presented an unreasonable risk of harm to Jesse Paul Turney or to persons similarly situated to Jesse Paul Turney.

RESPONSE:

REQUEST NO. 18:

All documents that you contend show or tend to show that DuPont's alleged actions or inactions were of such a character as to constitute a pattern or practice of intentional wrongful conduct and/or malice resulting in damage and injury to any of you.

RESPONSE:

REQUEST NO. 19:

All documents that you contend show or tend to show that DuPont consciously and/or deliberately engaged in oppression, fraud, wilfulness, wantonness, and/or malice with regard to any of you.

RESPONSE:

REQUEST NO. 20:

All documents that you contend show or tend to show that DuPont entered into, engaged in, or otherwise participated in the conspiracy alleged in your pleadings.

RESPONSE:

REQUEST NO. 21:

All documents evidencing, reflecting, or relating in any way to any violation or alleged violation by DuPont of any TLV, PEL, or other limit, guideline, standard, rule, regulation, or law of any kind relating to asbestos.

RESPONSE:

REQUEST NO. 22:

All documents evidencing, reflecting, or relating in any way to compliance by DuPont with any TLV, PEL, or other limit, guideline, standard, rule, regulation, or law of any kind relating to asbestos.

RESPONSE:

REQUEST NO. 23:

All documents authored by, generated by, or which bear the name of DuPont or any of its current or former employees, agents, or representatives, relating in whole or in part to asbestos, dust control, dust or fiber sampling or measurement, dust inhalation, respiratory protection or other protection from asbestos dust or fibers, asbestos abatement, safety precautions or warnings or procedures relating to asbestos or dust, or health effects or risks of asbestos.

RESPONSE:

REQUEST NO. 24:

All documents containing, depicting, describing, evidencing, or relating to any warnings, cautions, protections, instructions, rules, procedures, or guidelines relating to asbestos or dust and provided to Jesse Paul Turney during his working career by any employer, manufacturer or distributor of asbestos-containing products, union, general contractor, premises owner or occupier, or other person or entity.

RESPONSE:

REQUEST NO. 25:

All documents relating to asbestos or dust, or to protections or precautions against asbestos or dust, or to safety programs or procedures relating to asbestos or dust, or to warnings or cautions about potential hazards of asbestos or dust, that any of you have ever received from any source, including but not limited to any employer for whom any of you have worked, J.T. Thorpe Company, any manufacturer or distributor of asbestos-containing products, or any newspaper articles, magazine or other periodical articles, union records or publications, correspondence, newsletters, pamphlets, instructions, advertisements, screening announcements, or notices.

RESPONSE:

REQUEST NO. 26:

All medical bills and other documents evidencing or relating to the cost of any Medical Services provided to or for the benefit of Jesse Paul Turney for which you seek recovery in this lawsuit.

RESPONSE:

REQUEST NO. 27:

All documents evidencing any lost earnings or earning capacity, past or future, allegedly suffered by any of you for which you seek recovery in this lawsuit.

RESPONSE:

REQUEST NO. 28:

All documents, tangible things, reports, models, and data compilations relating to this lawsuit that have been provided to, reviewed by, or prepared by or for any expert that you may call to testify (either live or by deposition) with respect to any of your claims against DuPont.

RESPONSE:

REQUEST NO. 29:

The current resume and bibliography of each expert that you may call to testify with respect to any of your claims against DuPont.

RESPONSE:

REQUEST NO. 30:

The current resume and bibliography of each consulting expert whose mental impressions or opinions have been reviewed by any expert that you may call to testify with respect to any of your claims against DuPont.

RESPONSE:

REQUEST NO. 31:

All diaries, daily journals, log books, notes of events, conditions or conversations, videos, and any other similar type of document, created or written by any of you or by any other person, which sets out, describes, relates, or depicts events, conditions, or conversations which in any way relate to Jesse Paul Turney's alleged exposure to asbestos, any conduct of DuPont relating to Jesse Paul Turney's alleged exposure to asbestos, or any injury, disease, or medical treatment allegedly resulting from Jesse Paul Turney's exposure to asbestos, including but not limited to the effect of such injury, disease, or treatment on your life or on the lives of any of your family members.

RESPONSE:

Respectfully submitted,

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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ATTORNEYS FOR DEFENDANT
E. I. DU PONT DE NEMOURS AND COMPANY

CERTIFICATE OF SERVICE

A true and correct copy of DEFENDANT DUPONT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO PLAINTIFF JESSE PAUL TURNEY was served by certified mail, return receipt requested on this ____ day March, 2001, on Plaintiff's attorney, Stephanie Finch, BARON & BUDD, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

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March 12, 2001

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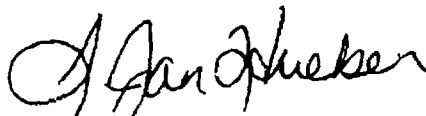
Re: Cause No. 00-03032-00-0-B; *John Wayne Walker, et al. v. GAF Corporation*
(successor to *Ruberoid Corporation*), et al.; In the 117th Judicial District Court of
Nueces County, Texas.

Dear Stephanie:

As provided by Paragraph 10 of Judge Hunter's Standing Order #1 of May 30, 1997, attached please find Defendant DuPont's proposed First Set of Interrogatories and Requests for Production to Plaintiff Jesse Paul Turney. We believe that this discovery is non-duplicative of the Master Discovery previously answered by Plaintiff Turney.

Please let this letter serve as our conference on this matter. If you would like to discuss our proposed discovery, do not hesitate to call me. If I have not heard from you by Thursday, March 15, 2001, I will assume that you have no objections and I will proceed to serve this discovery.

Sincerely,


S. Jan Hueber

Enclosure

*Image
SJE
Matthew
Youngblood
Ruth*