PLAINTIFF'S EXHIBIT

ARCO-74

CAUSE NO. 01-00496-K

CLIFTON LAVON DORSEY, et al.	§	IN THE DISTRICT COURT OF
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
U.S. GYPSUM COMPANY, et al.	§	K-192nd JUDICIAL DISTRICT

DEFENDANT ATLANTIC RICHFIELD COMPANY'S OBJECTIONS AND RESPONSES TO PLAINTIFF ALBERT FLOWERS' RULE 194 REQUEST FOR DISCLOSURE

TO: All plaintiffs asserting claims against Atlantic Richfield Company (Individually and as Successor-in-Interest to Sinclair Oil Corporation) including Albert Flowers, by and through their attorneys of record, Lou Thompson and/or Elizabeth Schick, Baron & Budd, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219, Facsimile (214) 520-1191.

ATLANTIC RICHFIELD COMPANY ("ARCO"), pursuant to Texas Rule of Civil Procedure 194, files its Responses to plaintiff Albert Flowers' Requests for Disclosure. Defendant's Responses are being made for the purpose of this pending action only, remain subject to Arco's Motion to Transfer Venue, and are attached hereto.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
ATLANTIC RICHFIELD COMPANY
(Individually and as Successor-In-Interest to
Sinclair Oil Corporation).

CERTIFICATE OF SERVICE

I certify that on this 20th day of August, 2001, a true and correct copy of the foregoing has been served via facsimile and/or U.S. mail and/or certified mail, return receipt requested, to:

Via Certified Mail, RRR
Elizabeth R. Schick
Baron & Budd, P.C.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Via Facsimile and/or U.S. Mail
All Known Counsel of Record (Filing Letter Only)

R. Bruce Hurley

RESPONSES TO REQUESTS FOR DISCLOSURE

(a) **Correct Names of the Parties to the Lawsuit:**

(1) Plaintiff, Albert Edward Flowers and/or plaintiffs with claims against Atlantic Richfield Company (Individually and as Successor-in-Interest to Sinclair Oil Corporation)

(2) Atlantic Richfield Company ("ARCO") (Individually and As Successor In Interest to Sinclair Oil Corporation)

(3) Defendant ARCO is unable to state the correct names of other plaintiffs and/or Defendants to this lawsuit, but hereby incorporates each of these parties' responses in its response and reserves the right to supplement this information to the extent such information is available.

(b) **Name, address, and telephone number of any potential parties:**

ARCO is unaware at this time of any potential parties that have not already been named in this action, but will supplement to the extent such information becomes available.

(c) **Legal theories and, in general, factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial):**

ARCO hereby incorporates by reference its Original Answer, subject to Motion to Transfer Venue and its Motion to Transfer Venue. Specific defenses asserted and relied upon by ARCO include: improper joinder of plaintiffs (violations of due process of the United States and Texas Constitutions), improper venue, statute of limitations, laches, Texas Worker's Compensation Statute bars, failure to mitigate, no duty, no breach of duty, no proximate cause, assumption of the risk, comparative negligence and/or negligence per se of the contractor, unknown causes, unavoidable accident, new, independent and intervening cause, third party liability, sole proximate cause, unconstitutionality of punitive/exemplary damages awards under the Texas and United States Constitutions, Chapter 41 Texas Civil Practice and Remedies Code

regarding limitations on punitive damages, contribution and/or indemnity, comparative fault/ negligence, offset, and no joint and several liability.

(d) **Amount and any method of calculating economic damages:**

At this time, premises defendant, ARCO has not asserted any counterclaims or cross claims in this action and is not seeking economic damages. However, ARCO has asserted contribution and/or indemnity and intends to pursue any amounts as contribution and/or indemnity which ARCO may be found liable to plaintiff, in whole or in part, as a result of the negligence or fault of a third party or other defendant. Defendant will also be seeking an offset of any amounts alleged by the plaintiff for plaintiff's comparative negligence or fault.

(e) **Name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case:**

From 1945 until 1966, Sinclair, Atlantic, and Richfield each employed doctors and medical personnel at various facilities. The precise duties of these people depended on the facility at which they worked. The remaining records do not list the names and addresses of each of these individuals, some of whom were independent contractors in private practice. The following names and addresses are based on current information of individuals at the corporate level of Sinclair, Atlantic, Richfield and ARCO because plaintiff, Albert Flowers, has failed to identify a specific premises owned by ARCO or an ARCO predecessor where he worked. This information may be supplemented as further information is developed. The information available at this time is divided into the following sections:

A) Individuals with knowledge of relevant facts concerning corporate medical department;
B) Individuals with knowledge of relevant facts concerning respiratory protection at the corporate level;
C) Individuals with knowledge of relevant facts at the corporate level, generally;

A) **Individuals with knowledge of relevant facts concerning corporate medical department:**

1. Dr. Melvin Plancey
   630 Arbolada Drive
   Arcadia, CA 91006

2. Dr. Robert H. Lang
   P.O. Box 496
   Chincoteague, VA 23336

3. Kern Linder (deceased)

4. Menard M. Gertler, M.D.
   Whereabouts unknown

B. **Individuals with knowledge of relevant facts concerning respiratory protection at the corporate level:**

1. James M. Bachman - may be contacted through counsel.
2. Lawrence R. Birkner - may be contacted through counsel.
3. M. Scott, Jr. - may be contacted through counsel.
4. Dewey Norris - address unknown.

C. **Individuals with knowledge of relevant facts at the corporate level, generally:**

1. James M. Bachman - may be contacted through counsel
2. Lawrence R. Birkner - may be contacted through counsel
3. Dr. Melvin Plancey
   630 Arbolada Drive
   Arcadia, CA 91006
4. Dr. Robert H. Lang
   P.O. Box 496
   Chincoteague, VA 23336
5. Kern Linder (deceased)
6. William G. Eissler - may be contacted through counsel
7. Donald F. Wilson (deceased)
8. MacGregor Scott - may be contacted through counsel
9. Dewey Norris - address unknown
10. Menard M. Gertler, M.D. - address unknown

(f) **Testifying Experts:**

(1) the expert's name, address, and telephone number;
(2) the subject matter on which the expert will testify;
(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them; and
(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party: (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony, and (B) expert's current resume and bibliography.

RESPONSE:

Please see Exhibit A, attached hereto. ARCO will supplement resumes/bibliographies for designated experts in documents produced.

(g) **Any indemnity and insuring agreements described in Rule 192.3(f):**

Plaintiff Albert Flowers has failed to provide sufficient information from which ARCO could determine the specific policy or policies of insurance which may provide coverage relative to the time periods, products, and/or occurrences alleged by plaintiff or which may otherwise underlie plaintiff's purported claims in this action. Accordingly, ARCO is unable at this time to respond to this request. Will supplement to the extent further information reveals that such coverage exists.

(h) **Any settlement Agreements described in Rule 192.3(g):**

None. Will supplement to the extent such information becomes available.

(i) **Any Witnesses statement described in Rule 192.3(h):**

None. Will supplement to the extent such information becomes available.

(j) **In a suit alleging physical or mental injury and damages from the occurrences that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills:**

Will supplement to the extent such information is obtained.

(k) In a suit alleging physical or mental injury and damages from the occurrences that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party:

Will supplement to the extent such information is obtained.

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