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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALICE L. WARREN,
ADMINISTRATRIX OF THE
ESTATE OF JOHN H. WARREN,
DECEASED,

Plaintiff,

v.

THE DOW CHEMICAL COMPANY
THE B.F. GOODRICH COMPANY,
UNION CARBIDE COMPANY and
CONTINENTAL OIL COMPANY,

Defendants.

CIVIL ACTION NO. 89-30201-F

BBO #064415

RESPONSES OF DEFENDANT
UNION CARBIDE CHEMICALS AND PLASTICS COMPANY, INC. TO
PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant Union Carbide Chemicals and Plastics Company, Inc. ("Union Carbide") pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby responds to plaintiff's request for production of documents and makes the following objections to each and every document request as if fully set forth at length in the specific responses thereto.

GENERAL OBJECTIONS

1. Union Carbide objects to plaintiff's designation of "the product" as "vinyl chloride monomer" ("VCM") and "polyvinyl chloride" ("PVC") on the basis that plaintiff's complaint makes

no allegation that Union Carbide manufactured and/or supplied PVC which caused or contributed to the decedent's illness and subsequent death. Moreover, "VCM" and "PVC" are separate and distinct products; they are not interchangeable. Accordingly, plaintiff's definition of "the product" is overly broad and Union Carbide objects to providing any information regarding "PVC." Accordingly, for the foregoing reasons, Union Carbide objects to each and every document request which seeks information about "the product" and will respond as to VCM only.

2. Union Carbide objects to the "Definitions" section of plaintiff's document request because it imposes upon Union Carbide the duty to provide information which is not required by the Federal Rules of Civil Procedure. Additionally, with regard to documents that have been "destroyed," plaintiff's demand that defendant "identify the date of destruction, the person responsible for ordering destruction, and the purpose for destruction" obviates the obligation imposed upon plaintiff under Rule 34(b) to set forth the items to be inspected and provide a description of each item and category with reasonable particularity. Plaintiff has inappropriately shifted the burden to defendant to provide responses which are simply not required by Rule 34 and which inappropriately appear to call for information more in the form of interrogatory responses. Defendant will respond only in the manner required by Rule 34.

Moreover, Union Carbide objects to plaintiff's definitions to the extent that they alter the common sense and usual meaning of the words or phrases stated therein. Further, Union Carbide objects to plaintiff's definition of "defendant" because it is extremely broad and inappropriately includes numerous individuals who clearly cannot be construed in any manner as "the defendant." Accordingly, Union Carbide will respond only on its own behalf.

3. Union Carbide objects to plaintiff's requests to the extent that they seek documents which are protected by the attorney-client privilege, attorney work product (the mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation) or other trial preparation materials protected from discovery under the Federal Rules of Civil Procedure. Union Carbide also objects to plaintiff's requests to the extent that they require defendant to state each privilege or limitation claimed, provide a written statement as to the existence of the information, document or communication and include a summary of all facts and circumstances upon which such claim is based. Such a requirement is beyond the scope of the Federal Rules of Civil Procedure.

4. Union Carbide objects to plaintiff's requests to the extent that they seek documents already in plaintiff's

possession or available to plaintiff from sources other than Union Carbide on the grounds that such requests are overly broad and unduly burdensome. Specifically, and without limiting the foregoing, Union Carbide objects to plaintiff's requests to the extent that such requests call for documents contained in:

(a) Publicly available scientific or medical journals, books, treatises, textbooks and other compilations;

(b) Publicly available records or files maintained by governmental offices or agencies; and

(c) Documents or records within the plaintiff's possession or control.

5. Union Carbide objects to plaintiff's document requests insofar as they seek documents from 1947 to the present (or to the late 1970s) which is outside the time period during which the decedent was allegedly exposed to the product (1948-1974) and the time period during which exchanges of VCM with Monsanto Chemical Company in Springfield, MA could possibly have taken place (1967). (See Union Carbide's response to plaintiff's interrogatory Nos. 3 and 13). Such a request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Union Carbide objects to the overall burdensome nature of plaintiff's

requests. Because of the passage of time, it would be extremely burdensome and costly for defendant to identify and compile information which spans over a time period of 40 years.

RESPONSES

Subject to and without waiving the foregoing objections, Union Carbide responds to plaintiff's request for production of documents as follows:

1. All documents of every kind, nature and description, including but not limited to, office records of any claims, injuries, illnesses of which the defendant has received notice concerning the product from 1948 to date.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of Union Carbide's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass answering defendant and is overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. The request constitutes an enormous fishing expedition into every claim, injury or illness of which Union Carbide has received notice concerning the product (construed by Union Carbide to mean VCM) from 1948 to the present. The request is not limited to the type of alleged illness or injury that occurred in this case (angiosarcoma of the liver), nor is it limited to any reasonable time period and, at

the very least, the request seeks documents for time periods beyond the decedent's alleged exposure period (1948-1974), and beyond the time Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967), which information is also irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this request to the extent that such documents are protected from discovery by the attorney client privilege and/or the work product immunity.

Subject to and without waiving said objections, and limiting this response solely to documents which constitute notices of instances of alleged angiosarcoma of the liver resulting from VCM exposure, which notices were received by Union Carbide within the decedent's alleged exposure period (1948-1974), Union Carbide has no such documents in its possession, custody or control.

2. All documents of every kind, nature and description, including but not limited to, reports of testing, examination or chemical analysis of the product in the possession, custody or control of the defendant.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass answering defendant and is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited by any reasonable time

period and, at the very least, it seeks documents for time periods beyond the decedent's alleged exposure period (1948-1974) and beyond the time when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Moreover, the request does not specify the particular areas of "testing, examination or chemical analysis" to which the request is reasonably related and, as such, is vague, ambiguous, overly broad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objections, and limiting this response to the exposure time limitations stated above (1948-1974), toxicity or epidemiological studies of VCM in Union Carbide's possession will be made available for inspection and copying at the offices of Nutter, McClennen & Fish at a mutually convenient time.

3. All documents of every kind, nature and description, including but not limited to, notes, memoranda and office records, identifying any and all persons who conducted testing, examination or chemical analysis of the product from 1947 to 1979.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it is designed to harass answering defendant and is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible

evidence. The identity of all persons as described above would be an extremely burdensome and costly task, not reasonably calculated to, nor likely to lead to the discovery of admissible evidence. Moreover, the request is not limited by any reasonable time period and, at the very least, it seeks documents beyond the decedent's alleged exposure period (1948-1974) and beyond the time when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Further, as more fully stated in response to plaintiff's request No. 2, this request fails to specify the areas of "testing, examination or chemical analysis" and is therefore objectionable.

Subject to and without waiving said objections, and limiting this response as stated in Union Carbide's response to plaintiff's document request No. 2, there are no documents in Union Carbide's possession responsive to this request other than those documents produced in response to plaintiff's document request No. 2.

4. All instructions, rules, regulations, documents, correspondence, brochures, manuals or other material which describes any warnings provided to any purchasers or users of the product from 1947 to 1979.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it is designed to harass answering

defendant and is overly broad, unduly burdensome, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited by any reasonable time period and, at the very least, it seeks information concerning time periods subsequent to the decedent's alleged exposure period (1948-1974) and subsequent to the last date Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967).

Subject to and without waiving the foregoing objections, and limiting this document response to information regarding VCM during plaintiff's alleged exposure period (1948-1974), documents responsive to this request will be made available for copying and inspection at the offices of Nutter, McClennen & Fish at a mutually convenient time. See also Union Carbide's response to plaintiff's interrogatory Nos. 5, 6, and 7.

5. All instructions, rules, regulations, documents, correspondence, manuals, brochures or other material which describe any safety procedures to be observed in using the product from 1947 to 1979.

Response

Objection. See Union Carbide's response to plaintiff's Request No. 4.

6. All documents of any kind, nature and description referring to or containing oral or written communications between the defendant and the Occupational Safety and Health Administration, National Institute for Occupational Safety and Health or any other agency, division, department, bureau or commission

of federal, state, local or municipal government, including but not limited to, all product safety data sheets and reports of alleged dangers or safety hazards and representations about the product, prepared for or at the request, or in the possession, custody or control of the defendant.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it is designed to harass answering defendant and is overly broad, unduly burdensome, vague, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The request seeks all documents referring to any communication to the agencies listed therein. It is not limited by any reasonable time period and, at the very least, it is not limited to the alleged exposure period in this case (1948-1974) or the time when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Further, the request is not reasonably related to communications with the agencies named concerning the dangers or safety hazards of VCM alleged in this case, and it is therefore overly broad. To require Union Carbide to produce all of the documents requested concerning VCM would be an enormous fishing expedition which would be extremely costly and purely designed to harass answering defendant.

Subject to and without waiving said objections, and limiting the response to written communications about angiosarcoma of the

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liver during the plaintiff's alleged exposure period (1948-1974), Union Carbide responds that it has no such documents in its possession, custody or control.

7. All marketing, advertising, promotional, catalog, sales or other written or pictorial material concerning the product.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it is designed to harass answering defendant and is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the request is not limited to any reasonable time period and, at the very least, it is not limited to the decedent's alleged exposure period (1948-1974) or to the last date Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company (1967).

Subject to and without waiving said objections, Union Carbide responds that it has no such documents about VCM in its possession other than what has been produced in response to plaintiff's document request No. 4.

8. Copies of all written statements, signed or unsigned, of all experts whom the defendant or defendant's attorney intends to be present at the trial for the purpose of testifying concerning the plaintiff's claim, or for the purpose of supporting the defendant's defense without the intention of testifying.

Response

Union Carbide objects to this request to the extent that it requests expert discovery which is beyond the scope of Rule 26(b)(4) of the Federal Rules of Civil Procedure. Plaintiff is not entitled to expert discovery related to an expert who has been retained or specially employed by Union Carbide in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial. Moreover, plaintiff's request for all statements from experts whom Union Carbide intends to present at trial is beyond the scope of expert discovery pursuant to Fed. R. Civ. P. 26(b)(4)(A)(i). Further, the request seeks trial preparation materials which are protected from discovery pursuant to Rule 26(b)(3). Subject to and without waiving said objections, Union Carbide responds that it has not determined which, if any, experts it intends to call at trial.

9. The coverage selection and/or declaration pages of all insurance policies which may provide coverage for claims brought against the defendant in this action or whose proceeds would be available to satisfy any judgment in this matter.

Response

Union Carbide is self insured in an amount sufficient to satisfy any potential judgment in this case. Therefore, Union Carbide objects to producing the information requested on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

10. All documents of every kind, nature and description which depict or explain the design, assembly, composition or chemical makeup of the product.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it requires the production of documents which are not reasonably calculated to lead to the discovery of admissible evidence. This request, which is not limited to any reasonable time period, calls for an enormous fishing expedition and would be unduly burdensome and costly to Union Carbide. Moreover, the "design," "assembly," "composition" and "chemical makeup" of VCM are not in issue in this case. Subject to and without waiving said objections, see Union Carbide's response to plaintiff's document request No. 4.

11. All documents of every kind, nature and description, including but not limited to, trade standards, procedures or practices relating to the use, storage, transportation and sale of the product.

Response

Objection. See Union Carbide's response to plaintiff's Request Nos. 4 and 20.

12. All documents of every kind, nature and description related to the sale, delivery or furnishing of the product to Monsanto Chemical Company, including but not limited to, invoices, product safety data sheets, bills of sale, order forms, warning notices, warranties, receipts, delivery orders and bills of lading from 1947 to 1979.

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Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request to the extent that it seeks information beyond the decedent's alleged exposure period (1948-1974) and beyond the time when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967), and it is therefore overly broad and unduly burdensome. Subject to and without waiving said objections, and limiting this response to possible VCM exchanges to Monsanto Chemical Company in Springfield, MA up to and including 1967, Union Carbide responds that it has no such documents in its possession, custody or control except, if any, those documents produced in response to plaintiff's document request No. 4.

13. All documents of every kind, nature and description relating to shipment of the product to Monsanto Chemical Company issued by the Interstate Commerce Commission, Department of Transportation, Bureau of Explosives and Association of American Railroads from 1947 to 1974.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request because it is overly broad and unduly burdensome given the lengthy period of time covered by the request, including that it exceeds the time when Union Carbide could possibly have

exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Additionally, it would be less burdensome and less costly for plaintiff to obtain the information from the agencies involved. Plaintiff can obtain such information with equal facility as Union Carbide. Subject to and without waiving said objections, Union Carbide responds that it has no such documents in its possession, custody or control.

14. All documents of every kind, nature and description which refer to or reflect any oral or written communications between the defendant, the Manufacturing Chemists Association and any of its member companies, including but not limited to, Dow Chemical Company, the B.F. Goodrich Company, Continental Oil Company and Monsanto Chemical Company, from 1947 to 1979 regarding the product.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. This request is further objected to as being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The request seeks all oral or written communications about VCM, regardless of their subject matter, and it is therefore not limited to the issues in this case. Further, the request seeks documents for time periods beyond the decedent's alleged exposure period (1948-1974), and beyond the time period when any exchange of VCM to Monsanto Chemical Company in Springfield, MA could possibly have taken place (1967). To require Union Carbide to produce all documents between it and the entities listed in the request would be an

enormous and costly task and is purely designed to harass Union Carbide and constitutes a fishing expedition by plaintiff. See also, Union Carbide's objection to plaintiff's request No. 6.

Subject to and without waiving said objections, and limiting this response to written communications concerning VCM toxicity during decedent's alleged exposure period (1948-1974), Union Carbide responds that documents responsive to this request will be made available to plaintiff for inspection and copying at the offices of Nutter, McClennen & Fish at a mutually convenient time.

15. All documents of every kind, nature and description which refer to or reflect any oral or written communications between the defendant, the Society of the Plastics Industry, Inc. and any of its member companies, including but not limited to, Dow Chemical Company, the B.F. Goodrich Company, Continental Oil Company and Monsanto Chemical Company, from 1947 to 1979 regarding the product.

Response

Objection. See Union Carbide's response to plaintiff's Request No. 14. Subject to and without waiving said objections, and limiting this response to written communications concerning VCM toxicity during the decedent's alleged exposure period (1948-1974), Union Carbide has no such documents in its possession, custody or control.

16. All documents of every kind, nature and description relating to meetings of the Manufacturing Chemists Association from 1947 to 1979 at which the product was discussed.

Response

Objection. See Union Carbide's response to plaintiff's Request No. 14.

17. All documents of every kind, nature and description relating to meetings of the Society of the Plastics Industry, Inc. from 1947 to 1979 at which the product was discussed.

Response

Objection. See Union Carbide's response to plaintiff's Request No. 14. Subject to and without waiving said objections, and limiting this response to communications concerning VCM toxicity during the decedent's alleged exposure period (1948-1974), Union Carbide has no such documents in its possession, custody or control.

18. All documents of every kind, nature and description relating to the OSHA Carcinogen Advisory Committee which refer to the product.

Response

Objection. See Union Carbide's response to plaintiff's Request No. 13. Subject to and without waiving said objections, Union Carbide responds that it has no such documents in its possession, custody or control.

19. All documents of every kind, nature and description which reflect or refer to any investigations, tests and studies regarding the health effects of exposure to the product which are in the possession, custody or control of the defendant.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass answering defendant and is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited by any reasonable time period and, at the very least, it is not limited to the decedent's alleged exposure period (1948-1974), and goes beyond the time Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Further, the request is not limited to "investigations, tests and studies regarding the health effects of exposure" to VCM which are substantially similar to the health effects alleged in this case. See also Union Carbide's objection to plaintiff's request No. 2.

Subject to and without waiving said objections, and limiting this response to investigations, tests or studies of the health effects of exposure to VCM, which occurred during the decedent's alleged exposure period (1948-1974), see the documents produced in response to plaintiff's request No. 2.

20. All records, reports, statements, or data compilations prepared by any federal, state or local government entity as the result of investigations related to the use of the product which are in the possession, custody or control of the defendant.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of Union Carbide's General Objections. Union Carbide further objects to this request on the grounds that it is overly broad, unduly burdensome, vague, unlimited in time, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See Union Carbide's objection to plaintiff's request No. 6.

Subject to and without waiving said objections, and limiting this response to documents which came into Union Carbide's possession during the decedent's alleged exposure period (1948 - 1974), Union Carbide responds that documents responsive to this request will be made available to plaintiff for inspection and copying at the offices of Nutter, McClennen & Fish at a mutually convenient time.

21. All documents identified in your answer to Interrogatory 4(e).

Response

Objection. See Union Carbide's response to plaintiff's request No. 2.

22. All documents relating to safety equipment or special tools recommended by the defendant to be used when using or exposed to the product from 1947 to 1979.

Response

Union Carbide objects to plaintiff's use of the term "product" for the reasons set forth in paragraph 1 of defendant's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass answering defendant and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The request it is not limited to any reasonable time period and, at the very least, it seeks information concerning time periods subsequent to the alleged exposure period in this case (1948-1974) and subsequent to the period when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967).

Subject to and without waiving said objections, and limiting this response to recommendations regarding VCM during the decedent's alleged exposure period (1948-1974), see the documents produced in response to plaintiff's document request No. 4.

23. All documents relating to notification given by the defendant to Monsanto Chemical Company from 1947 to 1979 regarding danger and/or hazards in the use of or exposure to the product.

Response

Union Carbide objects to plaintiff's use of the term "the product" for the reasons set forth in paragraph 1 of Union Carbide's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass

answering defendant and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited to any reasonable time period and, at the very least, it is not limited to the alleged exposure period in this case (1948-1974), and it is beyond the period when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Subject to and without waiving said objections, and limiting this response to information regarding VCM which might have been given to Monsanto Chemical Company up until the 1967 time period, see the documents applicable to said time period produced in response to plaintiff's request No. 4. See also Union Carbide's response to plaintiff's interrogatory no. 6.

24. All documents relating to danger or warning instructions as to the use of the product which were furnished by the defendant to Monsanto Chemical Company between the years 1947 to 1979.

Response

Union Carbide objects to plaintiff's use of the term "the product" for the reasons set forth in paragraph 1 of Union Carbide's General Objections. Union Carbide further objects to this request on the grounds that it is designed to harass answering defendant and is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited by any reasonable time period and, at the very least, it seeks information subsequent to the alleged exposure period in this

case (1948-1974) and subsequent to the time when Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Subject to and without waiving said objections, and limiting this response to instructions regarding VCM which may have been given to Monsanto Chemical Company up until the 1967 time period, see the documents applicable to said time period produced in response to plaintiff's request No. 4. See also Union Carbide's response to plaintiff's interrogatory No. 5.

25. All documents relating to complaints or other notices of injury or illness similar to that alleged by the plaintiff received by the defendant.

Response

Union Carbide objects to this request to the extent that it is designed to harass answering defendant and is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited to any reasonable time period and, at the very least, it seeks information subsequent to the alleged exposure period in this case (1948-1974) and subsequent to the time Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Further, Union Carbide objects to the phrases "complaints or other notices of injury" and "similar" in this context as vague and ambiguous in that they are not defined.

Subject to and without waiving said objections, and limiting this response solely to notices of instances of alleged angiosarcoma of the liver related to VCM exposure, received during the decedent's alleged exposure period (1948-1974), Union Carbide has no such documents in its possession, custody or control. See Union Carbide's response to plaintiff's document request No. 1.

26. All documents relating to communication between the defendant and all persons, businesses and entities hired by the defendant to transport the products during the years 1947 to 1979.

Response

Union Carbide objects to plaintiff's use of the term "the product" for the reasons set forth in paragraph 1 of Union Carbide's General Objections. Union Carbide further objects to this request to the extent that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to any reasonable time period and, at the very least, it seeks information subsequent to the time Union Carbide could possibly have exchanged VCM to Monsanto Chemical Company in Springfield, MA (1967). Union Carbide further objects to this request to the extent that it seeks documents relating to "products" manufactured by Union Carbide other than VCM, or the transport of the product to locations other than Monsanto Chemical Company. Indeed, such documents are clearly irrelevant to the issues in this case and

are not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving said objections, and limiting this response to communications regarding the transport of VCM to Monsanto Chemical Company until 1967, Union Carbide responds that it has no such documents in its possession, custody or control.

UNION CARBIDE CHEMICALS AND PLASTICS
COMPANY, INC.

By its attorney,



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CERTIFICATE OF SERVICE

I, Sharon R. Burger, hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record by mail on this date.



Sharon R. Burger

Dated: February 8, 1991

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