

NO. 433*RM98

VINCENTE MORENO RODRIGUEZ	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
OWNES-CORNING FIBERGLAS,	§	
ET AL.	§	149 TH JUDICIAL DISTRICT

**THE DOW CHEMICAL COMPANY'S REQUEST FOR DISCLOSURE
TO PLAINTIFF VINCENTE MORENO RODRIGUEZ**

TO: Plaintiff, Vincente Moreno Rodriguez, by and through his attorney of record, William K. Tapscott, Jr., Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 194, you are requested to disclose, within 30 days of service of this request, the information or material described in Rule 194.2(a)-(k) of Texas Rules of Civil Procedure. Please provide all items listed in Rule 194.2 including but not limited to all of the following:

- a. the correct names of the parties to the lawsuit;
- b. the name, address, and telephone number of any potential parties;
- c. the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
- d. the amount and any method of calculating economic damages;
- e. the name, address, and telephone number of persons having knowledge or relevant facts, and a brief statement of each identified person's connection with the case;
- f. for any testifying expert:
 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, or if the expert is not retained by employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
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 compilation that have been provided to reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - B. the expert's current resume and bibliography.
- g. any discoverable indemnity and insuring agreements;
- h. any discoverable settlement agreements;
- i. any discoverable witness statements;
- j. in a suit alleging physical or mental injury and damages from the occurrence 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; and
- k. in a suit alleging physical or mental injury and damages from the occurrence 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.

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By: Art Almquist / Elna
Arthur R. Almquist
Texas Bar No. 01108800

Elna N. Griggs

Texas Bar No. 24013232

One Allen Center

500 Dallas, Suite 1200

Houston, Texas 77002

Telephone: (713) 655-1200

Facsimile: (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on this the 12th day of April, 2001, in accordance with Rule 21 and 21a of the Texas Rules of Civil Procedure.

Elna N. Griggs
Arthur R. Almquist / Elna N. Griggs

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**THE DOW CHEMICAL COMPANY'S FIRST SET OF INTERROGATORIES
TO PLAINTIFF VINCENTE MORENO RODRIGUEZ**

TO: Plaintiff, Vincente Moreno Rodriguez, by and through his attorney of record, William K. Tapscott, Jr., Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 197 of the Texas Rules of Civil Procedure, Defendant, The Dow Chemical Company, serves these interrogatories upon you. The answers should be made under oath, separately and fully in writing, preceded by the question to which the answer pertains, and given to the undersigned counsel of record within thirty (30) days.

Respectfully submitted,

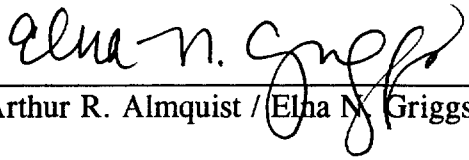
MEHAFFY & WEBER, P.C.

By: Art Almquist
Arthur R. Almquist
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Elna N. Griggs
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**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on this the 12th day of April, 2001, in accordance with Rule 21 and 21a of the Texas Rules of Civil Procedure.



Arthur R. Almquist / Elha N. Griggs

DEFINITIONS

1. For the purpose of interpreting or construing the scope of the interrogatories made herein, the terms used should be given their most expansive and inclusive interpretations unless otherwise specifically limited in any particular request. This includes, without limitation, the following:
 - (1) Construing "and" as well as "or" in the conjunctive or disjunctive as necessary to make the interrogatory more inclusive;
 - (2) Construing the singular form of a work to include the plural and the plural form to include the singular;
 - (3) Construing the past tense of a verb to include the present and the present tense to include the past;
 - (4) Construing the terms "refer to," "reflect," and "relating to" to include any connection whatsoever, direct or indirect, with the requested subject matter.
2. "Identify," when used in reference to a natural person, means to state the person's name, last known business and residential addresses, and respective telephone numbers.
3. "Identify," when used in reference to any legal entity, means to state its legal name, address, and telephone number.
4. "Identify," when used in reference to a document or tangible thing, means to state its date, author, type (e.g. letter, memorandum, schedule, report, chart, and photograph, tape recording, or note), present location, and present custodian.
5. "Identify," when used in reference to a communication, means to state the identity of the persons involved or participating in the communication, the date of the communications, and the general subject matter of the communication.
6. "Medical Practitioner" means any doctor, physicians, surgeon, osteopath, or other person engaged in the healing arts and sciences.
7. "Dow" means The Dow Chemical Company.
8. "You" or "plaintiff" refers to Vincente Moreno Rodriguez.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe your employment history (including self-employment), including in your description the name, address, dates of employment by each employer and a brief description of the work performed by you for each employer, the locations where you worked for each employer, and whether or not you were exposed to asbestos while you worked for each employer.

ANSWER:

INTERROGATORY NO. 2:

Describe your employment history at the Dow facility at which you allege to have been exposed to asbestos and/or asbestos-containing products. Include in your description the name and address of the facility, your best information regarding dates of employment there, your employer while you worked in, at, or for the facility and at what location or unit in the facility you worked.

ANSWER:

INTERROGATORY NO. 3:

For each occasion on which you worked at the Dow facility identified by you in the preceding interrogatory, please provide a description of the work performed by you at that facility. Please include your job title for each such employment and your wages and income (per week, month or year, as appropriate, for each specific employment listed above).

ANSWER:

INTERROGATORY NO. 4:

State the name, address and telephone number of all supervisors and co-workers with whom you worked for each date of employment listed by you in answer to interrogatory number 2.

ANSWER:

INTERROGATORY NO. 5:

If you contend you were exposed to asbestos or asbestos-containing products while working at the Dow facility listed by you in answer to interrogatory number 2, please list each type of product and describe when, where, and how you were exposed to each such product.

ANSWER:

INTERROGATORY NO. 6:

With respect to any products identified by you in interrogatory number 5, state all warnings or instructions which accompanied it, which you have seen regarding it, or which you were given by any source regarding it while you were employed at the Dow facility.

ANSWER:

INTERROGATORY NO. 7:

State whether or not you could read or write at the time you are alleging exposure to any asbestos or asbestos-containing products while working at the Dow facility identified by you in answer to interrogatory number 2.

ANSWER:

INTERROGATORY NO. 8:

Please identify each and every person known to you who has knowledge, direct or indirect, of your exposure to any asbestos or asbestos-containing products while working at the Dow facility identified in answer to interrogatory number 2. Please give the following information:

- a. the name of the company or employer for whom such witness was working at the time they gained knowledge of your exposure to any such products;
- b. the year or years it is believed by such witness that you were exposed to asbestos or asbestos-containing products while at the Dow facility; and
- c. describe the asbestos or asbestos-containing products which the witness believes you were exposed to.

ANSWER:

INTERROGATORY NO. 9:

List the names and addresses of every doctor or medical practitioner seen by you for any reason during your life as well as the names and addresses of each hospital in which you were a patient, and as to each, describe the condition being treated and the inclusive dates of each such treatment or hospitalization.

ANSWER:

INTERROGATORY NO. 10:

State the date you first experienced any lung or respiratory problem which you claim is related to asbestos exposure and identify each physician with whom you consulted about those problems.

ANSWER:

INTERROGATORY NO. 11:

If you missed any time from work as a result of the disease or illness made the basis of this suit, please state the following:

- a. how much time you lost from work and whether there were any deductions from your pay as a result of such lost time; and
- b. how much in salary or wages, if any, you lost as a result of the disease or illness made the basis of this suit.

ANSWER:

INTERROGATORY NO. 12:

Have you ever been warned or informed of the potential dangers of asbestos exposure? If so, identify by name, address and telephone number each person who conveyed such warning or information, the employer of each such person, and the dates any such warning or information was conveyed to you.

ANSWER:

INTERROGATORY NO. 13:

Identify all statutes, regulations, procedures, codes, guidelines, industry standards, or safety standards relating to dust or asbestos that you contend were or may have been violated by Dow during the time period when Plaintiff worked at a Dow facility.

ANSWER:

INTERROGATORY NO. 14:

If you have ever smoked, state when you started smoking, what type of tobacco product you smoked, when you smoked it and for how long, how much you smoked of each type of tobacco product, whether a physician ever advised you to stop smoking, and if so, who and when, and state the reasons you stopped smoking.

ANSWER:

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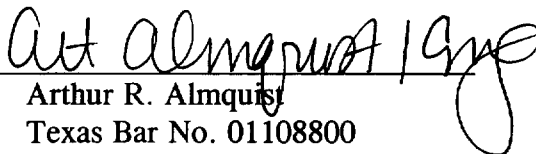
**THE DOW CHEMICAL COMPANY'S REQUEST FOR PRODUCTION
TO PLAINTIFF VINCENTE MORENO RODRIGUEZ**

TO: Plaintiff, Vincente Moreno Rodriguez, by and through his attorney of record, William K. Tapscott, Jr., Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Defendant, The Dow Chemical Company, serves this request for production upon you. The responses should be made separately and fully in writing, preceded by the question to which the answer pertains, and given to the undersigned counsel of record within thirty (30) days.

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By: 
Arthur R. Almquist

Texas Bar No. 01108800

Elna N. Griggs

Texas Bar No. 24013232

One Allen Center

500 Dallas, Suite 1200

Houston, Texas 77002

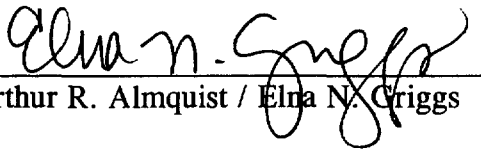
Telephone: (713) 655-1200

Facsimile: (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on this the 12th day of April, 2001, in accordance with Rule 21 and 21a of the Texas Rules of Civil Procedure.


Arthur R. Almquist / Elna N. Griggs

DEFINITIONS

1. For the purpose of interpreting or construing the scope of the requests made herein, the terms used should be given their most expansive and inclusive interpretations unless otherwise specifically limited in any particular request. This includes, without limitation, the following:
 - (1) Construing "and" as well as "or" in the conjunctive or disjunctive as necessary to make the interrogatory more inclusive;
 - (2) Construing the singular form of a work to include the plural and the plural form to include the singular;
 - (3) Construing the past tense of a verb to include the present and the present tense to include the past;
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6. "Medical Practitioner" means any doctor, physicians, surgeon, osteopath, or other person engaged in the healing arts and sciences.
7. "Dow" means The Dow Chemical Company.
8. "You" or "plaintiff" refers to Vincente Moreno Rodriguez.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce all documents which you contend indicates or supports any contention that Plaintiff was exposed to asbestos or asbestos-containing products at a Dow facility.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents that you contend demonstrate that Dow acted negligently towards you..

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Produce all documents bearing the name of Dow, or which you contend were written by current or former employees or representatives of Dow, that refer to asbestos or asbestos-containing products, dust, fibers, dust inhalation, respiratory protection, or exposure to asbestos or asbestos-containing products.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all pathology reports, tissue samples, records, slides, and other documents reflecting the disease, injury, or illness complained of by Plaintiff in this action.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Produce all documents you contend reflect Dow's knowledge of the hazards associated with exposure to asbestos or asbestos-containing products and when such knowledge was obtained by Dow.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Produce all documents reflecting Dow's policies, practices, and/or procedures related to asbestos or asbestos-containing products.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce all documents reflecting Plaintiff's work or presence upon any Dow facility.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce all documents reflecting that Plaintiff was exposed to asbestos or asbestos-containing products at a Dow facility.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce all photographs, videotapes, or any documents that depict any worksite where Plaintiff was allegedly exposed to asbestos or asbestos-containing products.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Produce copies of all statutes, regulations, procedures, codes, guidelines, industry standards, or safety standards relating to dust or asbestos that you contend were or may have been violated by Dow during the time period when Plaintiff worked at a Dow facility.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce all documents that Plaintiff may seek to introduce into evidence at trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Produce any and all items of tangible evidence in your possession, custody, or control that demonstrate any act which is or will be alleged by you to have been committed intentionally or knowingly by Dow.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce all treatises, studies, publications, articles, and textbooks that may be relied upon or used at the trial of this cause by the Plaintiff or by any expert who may be called to testify by the Plaintiff that refers or relates to the dangers or hazards of asbestos or asbestos-containing products.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Produce all documents (including, but not limited to, notes, calendars, diaries, memoranda, recordings of statements, or similar materials) prepared or kept by you that are related to

- (a) any exposure to asbestos or asbestos-containing products;
- (b) any conduct of Dow with respect to asbestos or asbestos-containing products;
- (c) any asbestos-related injury or disease you have suffered or any treatment you have undergone due to any such injury or disease; and
- (d) any elements of actual damages resulting from your claimed asbestos-related injury or disease.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Produce all photographs, videotapes, or any documents that depict how you were exposed to asbestos or asbestos-containing products or the effects any exposure to asbestos or asbestos-containing products has had upon your body or your life.

RESPONSE:

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VINCENTE MORENO RODRIGUEZ	§	IN THE DISTRICT COURT
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	§	
OWNES-CORNING FIBERGLAS,	§	
ET AL.	§	149 TH JUDICIAL DISTRICT

CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, The Dow Chemical Company, certify under the Texas Rules of Civil Procedure that the following documents have been served on Plaintiffs on April 12, 2001:

1. **The Dow Chemical Company's Request for Disclosure to Plaintiff Vincente Moreno Rodriguez;**
2. **The Dow Chemical Company's First Set of Interrogatories to Plaintiff Vincente Moreno Rodriguez; andd**
3. **The Dow Chemical Company's Request for Production to Plaintiff Vincente Moreno Rodriguez.**

Respectfully submitted,

MEHAFFY & WEBER, P.C.

By: Arthur R. Almquist / *First*
Arthur R. Almquist *by permission*
Texas Bar No. 01108800
Elna N. Griggs
Texas Bar No. 24013232
One Allen Center
500 Dallas, Suite 1200
Houston, Texas 77002
Telephone: (713) 655-1200
Facsimile: (713) 655-0222

**ATTORNEYS FOR DEFENDANT
THE DOW CHEMICAL COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing instrument were served upon all attorneys of record on this the 12th day of April, 2001, in accordance with the Texas Rules of Civil Procedure.

Arthur R. Almquist / Elna N. Griggs
Arthur R. Almquist / Elna N. Griggs *by permission*