

CAUSE NO. 00-03333-D

JAMES WAYNE BANKS AND	§	IN THE DISTRICT COURT
GLORIA JACQUELYN BANKS, ET AL.	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION (SUCCESSOR TO	§	
RUBEROID CORPORATION), ET AL.	§	95TH 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: Billy Wayne Sutton, Plaintiff, by and through his attorneys, Stephanie Finch and Holly Huart, whose address is Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, 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

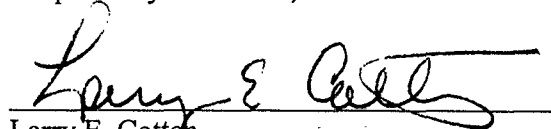
Information provided in these responses is based upon such information as presently is reasonably available to DuPont, and DuPont expressly reserves the right, without imposing on DuPont any duty not required by the Texas Rules of Civil Procedure, to supplement these responses when and if additional information or documentation comes to its attention. Based upon information provided to DuPont's counsel regarding Billy Wayne Sutton's alleged years of exposure in 1972 and 1973, the time frame covered by these responses is through 1973. 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 Corpus Christi facility, which is the DuPont facility at which Plaintiff Billy Wayne Sutton alleges he was exposed to asbestos-containing materials. The corporate documents referred to in these responses have previously been produced to Plaintiff's counsel, but will be produced again on December 1, 2000, at the offices of Kirkley Schmidt & Cotten, L.L.P. at 10:00 a.m. The Corpus Christi site documents will also be made available for inspection and copying at the offices of Kirkley Schmidt & Cotten, L.L.P. at 10:00 a.m. on December 1, 2000.

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 Billy Wayne Sutton has the burden of proof and that are either 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,

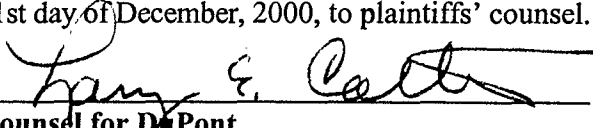


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Attorneys For Defendant
E. I. du Pont de Nemours and Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was forwarded via certified mail, return receipt requested on this the 1st day of December, 2000, to plaintiffs' counsel.


Counsel for DuPont

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.

**RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES,
REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION**

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. The Objections to Instructions and the 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, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

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 as much as 27 years 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.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi 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 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 denies this request as stated.

REQUEST FOR PRODUCTION NO. 1:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 1. 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendants Premises between the years 1965 and 1987.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present

at that site and is not limited to the time frame during which the plant existed. 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 asbestos-containing products were used at the Corpus Christi plant during the times plaintiff alleges he worked at that site, portions of 1972 and 1973. DuPont otherwise denies this request as stated.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendants Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendants Premises

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. 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE

DuPont objects to this request on the grounds that Plaintiff Billy Wayne Sutton was never employed by Defendant, DuPont. As such, this admission is vague, ambiguous, compound, and assumes disputed facts. DuPont denies this request as stated.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure,
- c. State which asbestos-containing products were abated.

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.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in anyway pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

RESPONSE

DuPont objects to this request because it is overbroad, burdensome, 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 ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE

DuPont objects to this request to the extent it is not limited to E. I. du Pont de Nemours and Company, the named defendant in this case. Subject to its preliminary statement and without waiving any objection, DuPont admits that it owned the Corpus Christi plant during the times that plaintiff alleges he was present at that site, portions of 1972 and 1973. DuPont further objects that this request assumes disputed facts. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to the Corpus Christi site during the time that plaintiff alleges he was present at that site. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

RESPONSE

DuPont objects to this request as ambiguous and confusing to the extent it purports to relate to the "foregoing request." DuPont also objects to this request to the extent it assumes that DuPont admits "Plaintiff was on Defendant's Premises." Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1965 and 1987, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and 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 worked at the Corpus Christi site and is not limited to the time when he alleges he was present at that site nor is it limited to the time frame during which the plant existed. DuPont further objects to identifying contractors and/or the employees of contractors for the reason that this is overbroad and outside the scope of the Texas Rules of Civil Procedure. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant site.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1965 and 1987, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant because it is not limited to documents indicating that plaintiff worked at the Corpus Christi site nor is it limited to the time frame during which the plant existed. 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. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant site.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1965 and 1987 and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed;
- c. Identify your employee responsible for monitoring; verifying, or instructing concerning these services to be performed by such contractors.

ANSWER

DuPont objects to this interrogatory as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time periods that plaintiff allegedly was present at that site nor is it limited to the time frame during which the plant existed. DuPont further objects to the extent that this interrogatory is not limited to contracts entered with plaintiff's employer during the time period relevant to plaintiff's claims.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1965 and 1987, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont further objects to this request because it is premature and improper since plaintiff has not revealed the identity of his employer that was allegedly working on the Corpus Christi site during the time he alleges work at a DuPont site. DuPont further objects to the extent that this interrogatory is not limited to contracts entered with plaintiff's employer during the time period relevant to plaintiff's claims.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1965 and 1987.

ANSWER

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site nor is it limited to the time frame when the plant existed.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant site during the time period that Plaintiff allegedly was present at that site. Further, the term "where Defendant used or applied" is vague and ambiguous. Subject to its preliminary statement and without waiving any objection, DuPont admits that asbestos-containing products were used at the Corpus Christi plant during the time plaintiff alleges he was present at that site, portions of 1972 and 1973. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s)? If the answer is anything other than "no", identify each and every fact which supports this contention

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant site during the time period that Plaintiff allegedly was present at that site. DuPont further objects to the term "each and every fact" for the reason that it is outside the scope of the Texas Rules of Civil Procedure. Subject to its preliminary statement and without waiving any objection, given that more than 27 years have passed since Plaintiff allegedly worked at the Corpus Christi plant site, and the lack of detail provided by plaintiff, it is difficult to reconstruct where precisely Plaintiff could have been working. DuPont's investigation into Plaintiff's work is continuing, and DuPont reserves its right to supplement its response to this interrogatory.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE

Given that more than 27 years have passed since plaintiff allegedly began work at the Corpus Christi plant, it is difficult to reconstruct fully where precisely plaintiff could have been working at that site. DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont admits that asbestos-containing products were used at the Corpus Christi plant during the time plaintiff alleges he was present at that site, portions of 1972 and 1973. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents indicating that plaintiff worked at the Corpus Christi plant.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE

DuPont objects to this request as vague, ambiguous, compound and lacking adequate specificity. DuPont further objects that this request assumes disputed facts. DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1965 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE

DuPont objects to the use of the terms "potential health hazard" as overbroad, vague, ambiguous, and subject to different interpretations. DuPont objects that this request is too vague, general, and nonspecific in reducing a subject of considerable scientific complexity, controversy, and investigation to the simplistic phrase "airborne asbestos dust created a potential health hazard." DuPont further objects that this request assumes disputed facts and is not limited to a time period when the plant existed. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 8. 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE

DuPont objects to this request as vague, ambiguous, compound and lacking adequate specificity. DuPont further objects that this request assumes disputed facts. DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees 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 by your employees at any locations.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period 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 December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER

DuPont objects that the language, "the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers," is overbroad, ambiguous, and argumentative. DuPont further objects to this interrogatory that it identify "any and all warnings ever given by Defendant, if any, to

Plaintiffs," for the reason that it is overbroad and not limited to the Corpus Christi site during the times that Plaintiff alleges he was present at that site.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE

DuPont incorporates by reference the objections stated in response to interrogatory no. 7. DuPont objects to the request for the reason that it is overbroad and not limited to the Corpus Christi site during the time that Plaintiff alleges he was present at that site, portions of 1972 and 1973.

Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information responsive to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE

DuPont objects that this request is overbroad and ambiguous because it is unclear whether plaintiffs are referring to all employees of DuPont, wherever they may be or whatever jobs they may be performing, or employees working under certain conditions, at certain jobs, or in certain facilities or parts of facilities. DuPont further objects that this request assumes disputed facts. DuPont denies this request for admission.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 10. 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 December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

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. DuPont further objects that the language, "the hazards of asbestos exposure" is overbroad, ambiguous, and argumentative. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory which will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE

DuPont objects to this Request 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. DuPont further adopts and incorporates by reference the objections stated in response to interrogatory 8 above. 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE

DuPont objects to this request as overbroad, argumentative, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that 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.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER

DuPont objects that the language, "the hazards of asbestos and asbestos-containing products," is overbroad, ambiguous, and argumentative. DuPont further objects to the request that it identify "each and every fact" supporting any contention it might make, 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.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information responsive to this interrogatory will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

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. 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff was allegedly present at that site, portions of 1972 and 1973, nor is it limited to a time frame when the plant existed. DuPont also objects to the use of the terms "continuously provide" and "contract employee" and "face masks" as overbroad, vague, ambiguous and subject to different interpretations. DuPont objects to this request to the extent it assumes that DuPont had a duty to provide face masks to "contract employees." DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

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 December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1965 to determine the quantity of asbestos fibers in the air at the Defendant's Premises? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER

DuPont objects to this interrogatory to the extent that it is not limited to the Corpus Christi facility during a time frame when this plant existed, and to a reasonable time frame relevant to this case. DuPont further objects to the request that it identify "each and every fact" that supports its contention, 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.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

ANSWER

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont further objects to the terms "agency or other governing body" and "health and safety regulations" because they are vague and ambiguous.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 13. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont objects that the term "engineering controls" is vague and ambiguous. DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections from request for admission no. 14. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site during portions of 1972 and 1973. DuPont further objects that this request assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 18 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 15. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the work-sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 16. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of

Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the work-sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont further objects to this request as vague, ambiguous, compound and lacking adequate specificity. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 17. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont further objects to the terms "evacuate the premises" 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 PRODUCTION NO. 21:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 18. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

RESPONSE

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. DuPont further objects that the language, "the hazards of asbestos and asbestos-containing products," is overbroad, ambiguous, and argumentative. Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information pertaining to this interrogatory which will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

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.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont further objects to the terms "warning, caution or hazard signs" as vague, ambiguous and lacking adequate specificity. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 19. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont further objects that the use of the terms "to others" is overbroad, vague and ambiguous because it is not clear which "others" plaintiff is referring to, where they might have been, or what jobs they might have been performing. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting

your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 20. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1965 and 1987, including Plaintiffs employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiffs employer.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent plaintiff has not revealed the identity of his employer and this request is not limited to payments made to plaintiff's employer during the time plaintiff was employed by that employer and allegedly working at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, upon reasonable investigation, DuPont has not located documents responsive to this request.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont further objects to this request as vague, ambiguous and lacking adequate specificity because it does not identify the person or persons allegedly at risk of injury and because the words "substantial risk" are vague, ambiguous, and indefinite. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1965 and 1987 Defendant had the power to control Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont objects to the use of the term "power to control Defendant's Premises" 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 PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 22. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1965 and 1987, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont objects to the use of the terms "power to manage the use or condition of Defendant's Premises" 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 PRODUCTION NO. 26:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 23. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of

Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1965 and 1987, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to direct the use or condition of Defendant's Premises" 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 PRODUCTION NO. 27:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 24. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1965 and 1987, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present on that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to superintend the use or conditions of Defendant's Premises" 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 PRODUCTION NO. 28 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 25. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000 at 10:00 a.m.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1965 and 1987, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to restrict the use or condition of Defendant's Premises" 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 PRODUCTION NO. 29:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 26. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000 at 10:00 a.m.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1965 and 1987, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent

it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to regulate the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 30 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 27. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1965 and 1987, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to govern the use or condition of Defendant's Premises" 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 PRODUCTION NO. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 28. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1965 and 1987, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to oversee the use or condition of Defendant's Premises" 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 PRODUCTION NO. 32:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 29. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years 1965 and 1987, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "power to administer the use or condition of Defendant's Premises" 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 PRODUCTION NO. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 30. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1965 and 1987 Defendant controlled Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the term "controlled Defendant's Premises" 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 PRODUCTION NO. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 31. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1965 and 1987, Defendant managed the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "managed the use or condition of Defendant's Premises" 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 PRODUCTION NO. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 32. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1965 and 1987, Defendant directed the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "directed the use or condition of Defendant's Premises" 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 PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 33. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1965 and 1987, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "superintended the use or conditions of Defendant's Premises" 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 PRODUCTION NO. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 34. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1965 and 1987, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "restricted the use or condition of Defendant's Premises" 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 PRODUCTION NO. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission

no. 35. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1965 and 1987, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "regulated the use or condition of Defendant's Premises" as vague, ambiguous and subject to different interpretations. Subject to its preliminary statement and without waiving any objection, DuPont denies this request for admission as stated.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 36. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1965 and 1987, Defendant governed the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "governed the use or condition of Defendant's Premises" 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 PRODUCTION NO. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 37. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1965 and 1987, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "oversaw the use or condition of Defendant's Premises" 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 PRODUCTION NO. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 38. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1965 and 1987, Defendant administered the use or condition of Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "administered the use or condition of Defendant's Premises" 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 PRODUCTION NO. 42:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "administered the use or condition" 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. 40:

Admit that Defendant retained some control over the manner in which Plaintiffs work was performed.

RESPONSE

DuPont objects to the use of the terms "some control" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not specify which work, which facility, or which time period(s) it refers to. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 40. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1965 and 1987. Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Defendant's Premises, who were engaged in activities which could be potentially hazardous to either themselves or Defendant's employees? If the answer is anything other than "no", identify each and every fact which supports this contention

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.

DuPont further objects that this interrogatory is vague, ambiguous, grammatically nonsensical and unintelligible, and argumentative. DuPont further objects to the request that it identify "each and every fact" supporting any contention it might make, 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.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiffs employer performed the work requested by the Defendant.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the use of the terms "some control" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not specify which contractor/employers for which he worked when he allegedly was present on the Corpus Christi site the subject of this request. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 44 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 41. Subject to its preliminary statement and without waiving any objection, documents

containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE

DuPont objects to the use of the terms "entirely free" as vague, ambiguous and subject to different interpretations. DuPont objects that this request assumes disputed facts. DuPont further objects to this request because it does not specify the employer whom plaintiff was working for or the time period when plaintiff allegedly was present at that site, or time period(s) it refers to. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 42. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiffs employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE

DuPont objects to the use of the terms "entirely free" as vague, ambiguous and subject to different interpretations. DuPont objects that this request assumes disputed facts. DuPont further objects to this request because it does not specify the employer or time period to which it refers. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 43. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

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 at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont admits that asbestos-containing gaskets were used at the Corpus Christi plant during the times plaintiff alleges he was at that site. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 47:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 44. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the time period that plaintiff allegedly was present at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 48:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 45. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the time period that plaintiff allegedly was present at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont admits that asbestos-containing boilers were used at the Corpus Christi plant during the times plaintiff alleges he was at that site. DuPont otherwise denies this request as stated.

REQUEST FOR PRODUCTION NO. 49 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 46. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the time period that plaintiff allegedly was present at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 47. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 47. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 51:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 48. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the time periods that plaintiff allegedly was present at the Corpus Christi site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 52 :

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 49. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE

DuPont objects to the use of the terms "such installation" as vague, ambiguous and lacking adequate specificity. DuPont also objects to this request as vague, compound, and assuming disputed facts. DuPont further objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. Subject to its preliminary statement and without waiving any objection, DuPont cannot admit or deny this request as stated, and, therefore, denies this request as stated.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 50. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

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 disease and the circumstances associated with it 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 October 2, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 54:

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, 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 the Preliminary Statement, documents containing nonprivileged information pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assuming disputed facts, and irrelevant to the extent it is not limited to the time periods that plaintiff allegedly was present

at the Corpus Christi site, portions of 1972 and 1973. DuPont further objects to the use of the terms "supervised" and "health and safety procedures" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not identify any contractors to which it refers, nor does it identify the health and safety procedures allegedly implemented by any contractor to which the request refers. Subject to its preliminary statement and without waiving any objection, DuPont cannot admit or deny this request as stated, and, therefore, denies this request as stated.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiffs employer.

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 Corpus Christi site, portions of 1972 and 1973. DuPont further objects to the use of the terms "supervised" and "health and safety practices" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request because it does not identify Plaintiff's employer nor does it identify the safety practices allegedly implemented by whichever employer(s) the request refers to. Subject to its preliminary statement and without waiving any objection, DuPont cannot admit or deny this request as stated, and, therefore, denies this request as stated.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

RESPONSE

DuPont objects to this request to the extent it assumes that plaintiff was exposed to asbestos while on the Corpus Christi site, portions of 1972 and 1973. DuPont objects to this request to the extent it assumes that DuPont breached a duty owed to plaintiff. DuPont further objects that it assumes disputed facts. Subject to its preliminary statement and without waiving any objection, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE

DuPont objects to this request for the reason that it is overbroad, ambiguous, and argumentative. DuPont further objects that Rules 194.2 and 198 do not require 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 does not describe the documents sought with reasonable particularity. This request is outside the scope of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER

DuPont objects to this interrogatory to the extent it assumes that plaintiff was exposed to asbestos while on the Corpus Christi site, portions of 1972 and 1973. DuPont objects that the term "substantial contributing factor" is vague and ambiguous. DuPont further objects to the term "each and every fact" since that is an improper attempt to shift the burden of proof on exposure to asbestos. DuPont further objects that Rules 194.2 and 198 do not require a party to marshal all of its available proof or the proof the party intends to offer at trial. This request is outside the scope of the Texas Rules of Civil Procedure. In addition, DuPont objects to this interrogatory to the extent it seeks an expert opinion regarding causation, which this defendant is not qualified to express.

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiffs exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE

DuPont objects to this request to the extent it assumes that plaintiff was exposed to asbestos while on the Corpus Christi site, portions of 1972 and 1973. DuPont objects to the term "substantial contributing factor" for the reason that it is vague and ambiguous. DuPont further objects that this request is vague, ambiguous, and assumes disputed facts, and does not identify the alleged asbestos-related injury. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 56:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 54. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome, assumes disputed facts, and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont further objects that this request is vague, ambiguous, and nonspecific because it does not identify the alleged risk to which it refers, the persons allegedly at risk, or any circumstances, conditions, or activities allegedly giving rise to the alleged risk. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE

DuPont objects to this request because it assumes that there was an unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises. DuPont further objects that this request is overbroad, vague, ambiguous, assumes disputed facts, and is nonspecific because it does not identify the alleged risk to which it refers, the persons allegedly at risk, or any circumstances, conditions, or activities allegedly giving rise to the alleged risk. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 57:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 56. Subject to its preliminary statement and without waiving any objection, documents

containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiffs asbestos-related injury.

RESPONSE

DuPont objects to this request because it assumes that plaintiff was exposed to asbestos while working on the Corpus Christi site and assumes that DuPont failed to reduce or eliminate an alleged risk of harm to plaintiff. DuPont further objects that the term "substantial" is vague, ambiguous, and nonspecific. DuPont further objects that this request is overbroad, vague, ambiguous, assumes disputed facts and is nonspecific because it fails to identify the alleged risk to which it refers, the circumstances, conditions, or activities allegedly giving rise to the alleged risk, or the alleged asbestos-related injury. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR PRODUCTION NO. 58:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE

DuPont incorporates by reference the objections stated in response to request for admission no. 57. Subject to its preliminary statement and without waiving any objection, documents containing nonprivileged information relating to this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 59 :

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE

DuPont objects to this request as vague, ambiguous and confusing. DuPont objects to the terms "exposed to sufficient quantities of asbestos dust" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request that it produce "all 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. DuPont further objects that this request fails to describe the documents sought with reasonable particularity.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiffs suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE

DuPont objects to this request as vague, ambiguous, unintelligible, nonsensical, and confusing. DuPont further objects that this request fails to describe the documents sought with reasonable particularity.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE

DuPont objects to this request as vague, ambiguous and confusing. Subject to its preliminary statement and without waiving any objection, DuPont responds that it has not had sufficient opportunity to investigate and form a contention with respect to whether plaintiff is suffering from the alleged asbestos-related diseases complained of.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE

DuPont objects to this request as vague, ambiguous and confusing. DuPont objects to the terms "exposed to sufficient quantities of asbestos dust" as vague, ambiguous and subject to different interpretations. DuPont further objects to this request that it produce "all 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. 63:

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

RESPONSE

DuPont objects to this request as vague, overbroad, unduly burdensome 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. 64:

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-ROMs, 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, DuPont will provide a copy of its current record retention manual.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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) described in the preceding paragraphs.

RESPONSE

DuPont objects to this request as overbroad, vague, ambiguous, irrelevant and seeking information protected by the attorney work product doctrine.

INTERROGATORY NO. 20:

Does Defendant have 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? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

ANSWER

DuPont objects to this interrogatory as overbroad, vague, ambiguous, 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 further objects that this interrogatory constitutes an unwarranted fishing expedition that is beyond the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to its objections and in accordance with the Preliminary Statement, nonprivileged documents containing information regarding this interrogatory will be produced at the offices of Kirkley, Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE

DuPont objects to this request as overbroad, vague, ambiguous, unduly burdensome, and irrelevant to the extent it is not limited to the time frame relevant to this case of the asbestos-related disease allegedly suffered by Plaintiff. DuPont further objects that this request constitutes an unwarranted fishing expedition that is beyond the scope of permissible discovery under the Texas Rules of Civil Procedure. Subject to its objections and in accordance with the Preliminary Statement, nonprivileged documents containing information regarding this request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE

DuPont objects to this request on the grounds that it requires DuPont to render an expert

medical opinion. Subject to its preliminary statement and without waiving any objection, DuPont denies this request.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE

Denied.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi plant during the time period that plaintiff allegedly was present at that site. DuPont further 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, based on the multifarious nature of this request, DuPont can neither admit nor deny this request as stated. Therefore, DuPont denies this request as stated.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE

DuPont objects to this request as overbroad, unduly burdensome and irrelevant to the extent it is not limited to the Corpus Christi 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. Based on the multifarious nature of this request, DuPont can neither admit nor deny the request as stated. Therefore, DuPont denies this request as stated.

REQUEST FOR PRODUCTION NO. 67:

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 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 the Preliminary Statement, nonprivileged documents pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

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.

REQUEST FOR PRODUCTION NO. 69:

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 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. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE

DuPont objects that this Request as worded is vague, ambiguous and grammatically nonsensical by asking DuPont to produce documents "that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos". DuPont further objects to this Request 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.

Subject to and without waiving its objections and in accordance with the Preliminary Statement, nonprivileged documents pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE

DuPont objects to this Request 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.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

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.

Subject to and without waiving its objections and in accordance with the Preliminary Statement, nonprivileged documents pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE

DuPont objects to this Request 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.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Billy Wayne Sutton at any time during his employment at Defendant's Premises. 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 employment records relating to Plaintiffs health.

RESPONSE

DuPont objects to the extent this request assumes that plaintiff was employed by DuPont. After reasonable investigation, DuPont has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE

DuPont objects to the extent this request assumes that plaintiff was employed by DuPont. After reasonable investigation, DuPont has located no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of 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. The Request seeks documents that involve areas of the Corpus Christi plant where, arguably, Plaintiff did not work and times when he did not work there. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information, and DuPont seeks a protective order which protects DuPont's trade secrets and confidential and proprietary information.

REQUEST FOR PRODUCTION NO. 77:

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 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 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 the Preliminary Statement, nonprivileged documents pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

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. In addition, DuPont objects to the use of the terms "photographs of asbestos products in place or asbestos-containing products being fabricated or utilized" as vague and ambiguous. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information.

REQUEST FOR PRODUCTION NO. 79:

Produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises in the vicinity of 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. In addition, DuPont objects to the extent that this request may seek trade secrets or confidential or proprietary information.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged photographs pertaining to this Request showing warning signs or warning statements relating to asbestos will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals claimed injury as a result of exposure to

asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

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 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. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

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 the Preliminary statement, nonprivileged documents pertaining to this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

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 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 83:

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 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 84:

In the event that Defendant performed or had performed any dust level counts or measurements of any obits plants or industrial facilities with respect to asbestos dust, 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 compound, 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 December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE

DuPont objects to this request to the extent it exceeds the scope of testifying-expert discovery provided by the Texas Rules of Civil Procedure. DuPont further objects that this request is

overbroad and is not limited in time, location, or subject matter to any circumstances reasonably related to Plaintiff's claims in this case or the expert's anticipated testimony. The request is not limited to issues in this lawsuit. DuPont further objects to this request to the extent that it seeks information regarding consulting experts which is outside the scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 86:

Produce all documents which will be used at the time of trial, including all potential exhibits and those documents which maybe 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. 87:

Produce documents between Defendant and any of its workers compensation 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 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. 88:

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

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 Procedure. *See, e.g., Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) and *Texaco, Inc. v. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995). Further, DuPont objects to the request for "regulations" and "orders" because it amounts to a request that DuPont perform Plaintiff's legal research for him. DuPont objects because the law is as readily available to Plaintiff as to Defendant.

Subject to and without waiving its objections and in accordance with its preliminary statement, nonprivileged documents regarding asbestos-related and dust-related safety rules and policies at DuPont's Corpus Christi facility will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P. on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 89 :

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

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. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 90:

Produce all documents which contain complaints by Union representatives of defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

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. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of

plaintiffs work at Defendant's Premises.

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 December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 92:

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, 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, DuPont will produce copies of its annual reports for the years 1995- 1999.

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

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. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE

DuPont objects to this request because it is vague, ambiguous, overbroad, not limited to any

reasonable period of time or to any circumstances reasonably 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. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE

DuPont objects to this request because it is overbroad, not limited to the period of time or to any circumstances reasonably 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. Anderson*, 898 S.W.2d 813, 814-15 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos?

RESPONSE

DuPont objects to this request for production 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 regarding this Request will be produced at the offices of Kirkley Schmidt & Cotten, L.L.P., on December 1, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE

DuPont objects to this request because it is overbroad and fails to describe the materials sought with reasonable particularity. DuPont further objects to the term "tangible things" for the reason that it is ambiguous and subject to different interpretations. 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). Subject to and without waiving its objections and in accordance with its preliminary statement, documents containing nonprivileged information regarding this Request will be produced at the offices of Kirkley Schmidt & Cotten. L.L.P. on October 2, 2000, at 10:00 a.m.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), 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 report, 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 Corpus Christi site during the time period Plaintiff allegedly was present at that site, portions of 1972 and 1973. DuPont objects to the term "control" for the reason that it is vague, overbroad, ambiguous, and subject to different interpretations. Subject to and without waiving its objections and in accordance with the Preliminary Statement, DuPont does not contend that it did not own the Corpus Christi facility during times that plaintiff Billy Wayne Sutton alleges he was there.

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: Interrogatories 7, 10, 18 and 20, and Requests for Production 11, 13, 14, 15, 47, 54, 65, 70, 77, 81, 86, 88, and 96. DuPont reserves the right to amend or supplement this statement as may be appropriate in light of further developments in the case.

VERIFICATION

I, MARY E. BOWLER, 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.

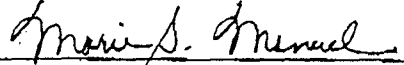
I declare under penalty of perjury under that the foregoing is true and correct.

E. I. DU PONT DE NEMOURS AND COMPANY

Date: 12/1/00


Assistant Secretary

Sworn and subscribed to before me
this 1st day of December, 2000


Notary Public in and for the State of Delaware

MARIE S. MANUEL
NOTARY PUBLIC-DELAWARE
My Commission Expires Feb. 7, 2002