



NO. 96-03172-A

RAMON T. CEDILLO; ALVINO RESENDO	§	IN THE DISTRICT COURT OF
LOPEZ; AMBROSIO NINO RAMIREZ; and	§	
RICHARD FUENTES VELA	§	
	§	
VS.	§	NUECES COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORPORATION, ET AL.	§	28TH JUDICIAL DISTRICT

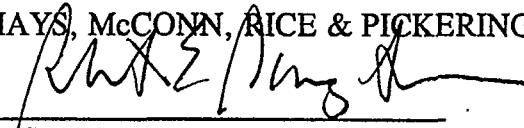
**DEFENDANT UNION PACIFIC RESOURCES COMPANY
f/k/a CHAMPLIN PETROLEUM COMPANY, INDIVIDUALLY
AND AS SUCCESSOR BY MERGER TO PONTIAC REFINING CORPORATION
RESPONSES AND OBJECTIONS TO THE PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

COMES NOW, Defendant Union Pacific Resources Company in the above numbered and entitled cause of action and pursuant to the Texas Rules of Civil Procedure makes and files this its Responses and Objections to Plaintiff's First Set of Interrogatories and Requests for Production as follows:

SEE ATTACHED.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

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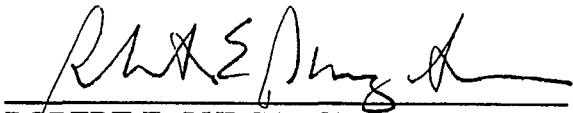
(713) 655-9212 (Facsimile)

Attorneys for Defendant

Union Pacific Resources Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded via certified mail/return receipt requested and/or via ~~hand-delivery~~ and/or via facsimile to all counsel of record on this 10th day of December, 1998. *Fast. Express*



ROBERT E. PURGATORIO

OBJECTION APPLICABLE TO ALL REQUESTS

Defendant objects to each item of discovery to the extent that the discovery calls for documents protected by the attorney/client privilege, work product privilege, or the party communication privilege.

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition of the terms "Defendant," "You," "Your" and "Your Company" on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries and other separately incorporated non-parties thus rendering the Plaintiff's stated definitions overly broad, vague and improper.

Defendant objects to the stated definition of the terms "Document," "Documents," "Written Materials" and "Printed Materials" on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production "regardless of who now has or formerly had custody, possession or control" on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms "Meeting" or "Meetings" on the grounds that it is so overly broad and vain and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms "products containing asbestos fiber," "asbestos containing products" and "asbestos products" on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

PRELIMINARY STATEMENT OF UNION PACIFIC RESOURCES COMPANY

Union Pacific Resources Company, a Delaware Corporation is currently an independent corporation but was previously a subsidiary of Union Pacific Corporation. A predecessor of Union Pacific Corporation purchased the stock of Champlin Petroleum Company and the former Pontiac Refinery from Celanese Corporation of America in 1969. Champlin Petroleum Company's name was changed to *Union Pacific Resources Company* in 1987. Also, effective January 1, 1987, 50% interest in the Corpus Christi refinery was sold to a subsidiary of PDVSA, the National Oil Company of Venezuela. A general partnership was established known as the Champlin Refining Company partnership operating the Corpus Christi refinery on behalf of the 50% interest held by a subsidiary of PDVSA and 50% interest held by Champlin Refining Inc., a wholly owned subsidiary of Champlin Petroleum Company (now known as Union Pacific Resources Company). Effective January 1, 1989, Champlin Refining, Inc. had sold its remaining 50% interest in Champlin Refining Company to a subsidiary of PDVSA which was subsequently merged by PDVSA into PDVSA's CITGO Petroleum Company.

Following the sale of its interest in the Corpus Christi Refinery, (formerly known as the Pontiac Refinery), Champlin Petroleum Company, now known as Union Pacific Resources Company, retained no records or documents relating to the operation of that refinery. All such documentation remained in the possession of the current owner and operator of that refinery.

INTERROGATORIES

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:

Defendant Union Pacific Resources Company is a corporation. The information necessary for responding to these interrogatories came from a variety of sources and or documents.

INTERROGATORY NO. 2:

Please identify each person known to Defendant as having knowledge of facts relevant to this case. For each person identified, please describe the relevant facts which you believe are within such person's scope of knowledge and about which such person could be expected to testify if called to trial as a witness. Further, if such person is or has been an employee of Defendant, please state the years of employment and the person's employment positions.

ANSWER:

Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad and clearly outside the scope of permissible discovery under Rule 166b of the

Texas Rules of Civil Procedure. This Defendant would specifically object to this request to the extent it seeks disclosure of information that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege, the joint defense privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence. Subject to and without waiving the foregoing objections, discovery in this matter is in its early stages. Defendant specifically reserves the right to supplement its answer to this interrogatory as the investigation and discovery continues.

INTERROGATORY NO. 3:

Have you owned, operated, controlled, possessed, or otherwise managed or occupied Defendant's Premises at all times that Plaintiff worked or was present at Defendant's Premises? If not, please state the dates wherein Defendant owned, operated, controlled, possessed and managed Defendant's Premises, the entity from whom Defendant acquired Defendant's Premises, the entity to whom Defendant sold Defendant's Premises and the person with the most knowledge of each transaction.

ANSWER:

See preliminary statement.

INTERROGATORY NO. 4:

If you contend that Plaintiff has used a misnomer or sued a wrong party in this action, please explain this basis for this contention and list the parties who should be sued state any corrections of misnomers that you contend Plaintiff has made.

ANSWER:

As reflected by this Defendant's answer on file herein, Defendant Union Pacific Resources Company does not contend that it was sued under an improper name or by a way of a misnomer. Defendant Union Pacific Resources Company does however deny that it is liable to the Plaintiff under any theory for any of the damages claimed herein.

INTERROGATORY NO. 5:

If you contend that you do not have the legal capacity to be sued, or that Plaintiff cannot recover in the capacity in which he has sued, or that you are not liable in the capacity in which you have been sued, please explain the basis for this contention.

ANSWER:

As reflected by its answer on file herein, Defendant Union Pacific Resources Company has not raised the affirmative defense that it does not have the legal capacity to be sued or that the Plaintiff cannot recover in the capacity in which he has sued nor has this Defendant raised the defense that it is not liable in the capacity in which it has been sued. However, Defendant Union Pacific Resources Company does specifically deny that it is liable to the Plaintiff under any theory for any of the damages claimed herein.

INTERROGATORY NO. 6:

Please state whether a medical monitoring program, medical examination program or other medical surveillance program ("program") was provided to workers at Defendant's Premises. If such programs were offered, please describe these programs in detail; specify in your response to whom such programs were offered (i.e. contractor employees and Defendant employees); describe the dates that the aforementioned programs were in place; and state what documents concerning the described programs exist.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited in time nor is it limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers and therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 7:

Please state the years during which Defendant operated a medical department and identify all persons who directed, headed or supervised said department and state the years of their service in that capacity.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the subject premises nor is it limited to the time period relevant in this case and therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate when the equipment was first provided, to whom the equipment was provided, and under what circumstances the equipment was provided. Further, identify the person with the most knowledge of your "safety equipment" policies.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and not limited to the time period relevant in this case nor is it limited to asbestos containing thermal insulation products which presumably is one of the basis of the Plaintiff's claims herein, and therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9:

Please list all asbestos-containing products ("products") used at Defendant's Premises and state what these products were used for, from whom these products were purchased, where these products were installed, and the specific persons or contractors who installed these products. Further, indicate the first year each specific asbestos-containing product was no longer purchased and installed on Defendant's Premises.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 10:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time. If so, please list each person or company involved with the abatement of asbestos, including address and telephone number, and state the dates and particular locations of each abatement procedure.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 11:

Identify by name and location each facility owned or operated by you in which asbestos containing products have been manufactured, assembled, distributed, or sold. Include in your response a detailed description of each such product and the amount of asbestos in each such product.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit, specifically asbestos containing thermal insulation products which presumably form the basis of Plaintiff's claims herein and therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, this Defendant would respond by stating that it has never manufactured, assembled, distributed or sold thermal insulation.

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:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the subject premises and not limited to the time period relevant in this case and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please state when this policy was implemented; describe this policy in detail; state to whom it applied (i.e. Defendant employees and contractor employees); and describe what types and brand names of respirators were required by you.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory as overly broad, vague and not limited to asbestos or the matters made the basis of this suit.

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:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the time period relevant in this case, not limited to the time period relevant in this case and not limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 15:

If you contend that you have not been negligent towards Plaintiff, as Plaintiff has alleged in Plaintiffs Original Petition and any amendments thereto, please state in full the basis for this contention and describe all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery.

INTERROGATORY NO. 16:

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.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and not limited to the time period relevant in this case and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 17:

Has Defendant ever published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, describe the printed material and identify each person responsible for having drafted or issued the warning statements or written materials, and the dates when the printed material was first issued or distributed.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and not limited to the time period relevant in this case and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to the hazards of asbestos, state the names of such organizations and list the dates of membership.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and clearly outside the scope of permissible interrogatory discovery in that it seeks to compel the responding parties do what amounts to a literature search in obtaining information that is not in its care, custody or control thus, rendering the inquiry improper under Rules 168 and 166b of the Texas Rules of Civil Procedure. Further, Defendant Union Pacific Resources Company would object to this interrogatory to the extent the information

sought is a matter of public record and/or in the public domain and therefore, as easily accessible by Plaintiff as this Defendant.

INTERROGATORY NO. 19:

Identify every individual ever employed at Defendant's facilities who has made or presented a Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos. Please include in your response the date of any such claims and a description of the injury alleged.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and not limited to the time period relevant in this case, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

If Defendant has insurance policies that might cover the claims made by Plaintiff in this case, please list the name of each insurance carrier, the policy number, the amount of available coverage, and the effective dates of each policy.

ANSWER:

Defendant Union Pacific Resources Company has over the years maintained an insurance policy and liability protection. Specific information relating to such insurance coverage and/or liability protection can be made available for inspection and copying at a mutually agreeable time in the offices of Hays, McConn, Rice & Pickering, 1200 Smith Street, 400 Two Allen Center, Houston, Texas 77002.

INTERROGATORY NO. 21:

Please state the following with respect to each expert witness that you may call during trial of these cases:

- a. Identify the expert witnesses;
- b. the subject matter on which the expert is expected to testify;
- c. the substance of the facts and opinions which underlie the expert's opinion; and,
- d. a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague and clearly outside the scope of permissible interrogatory discovery as it relates to the discovery of facts and opinions held by any potential testifying expert witness, and therefore, rendering this interrogatory improper. Subject to and without waiving the foregoing objections, this Defendant has not yet designated any potential testifying expert witness.

Upon such designation, this Defendant will supplement its response to this interrogatory in accordance with any scheduling order entered in this court or the Texas Rules of Civil Procedure.

INTERROGATORY NO. 22:

Please state the year you first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards. Further, please identify any documents that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, global and general. Further, the absence of any limitations on this interrogatory or attempt to limit it to the matters made the basis of this lawsuit or the alleged conditions that give rise to the Plaintiff's claims herein, it is incapable of being answered, and therefore improper under the Texas Rules of Civil Procedure and Texas law.

INTERROGATORY NO. 23:

If you are aware of any documents or things that are or may be responsive to any of Plaintiff's Requests for Production of Documents, and you will not or cannot produce them, please:

- (a) identify each such document or thing;
- (b) identify the last person(s) known to you to have custody thereof;
- (c) state the reason(s) why you will not or cannot produce them; and
- (d) identify the person(s) who attempted to fulfill or comply with Plaintiff's requests and the sources consulted in the attempt to comply with each such request for production.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is clearly overly broad, vague, global and all together improper under the Texas Rules of Civil Procedure, specifically Rule 168 and Rule 166b, in that it constitutes nothing more than a "fishing expedition" which is specifically prohibited under Texas law. This Defendant would further object to this interrogatory to the extent it seeks to impose a higher burden on the responding party as it relates to the presentment of objections based on privilege under Texas law.

INTERROGATORY NO. 24: *Omitted by Plaintiffs*

INTERROGATORY NO. 25: *Omitted by Plaintiffs*

INTERROGATORY NO. 26:

Omitted by Plaintiffs

INTERROGATORY NO. 27:

Omitted by Plaintiffs

INTERROGATORY NO. 28:

Have you ever been convicted or cited for any offense (criminal, misdemeanor or felony), any violation of federal or state regulations (including but not limited to, OSHA or other regulatory bodies), or country or city ordinances? If so, please list each offense and/or citation, identify the court or the administrative body in which the case was filed and the date the conviction, citation or violation was issued.

ANSWER:

Objection. Defendant Union Pacific Resources Company objects to this interrogatory on the grounds it is overly broad, vague, not limited to the matters made the basis of this lawsuit, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiffs might have worked and therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the subject premises, nor is it limited to the time period relevant in this case, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, global and general. Further, this request is not limited to the relevant time period in this case nor is it limited to the subject premises. Still further, this Defendant objects to this request to the extent it seeks to compel this Defendant to do a document and/or literature search on the grounds that it is clearly outside the scope of permissible discovery

under Rule 167 of the Texas Rules of Civil Procedure. Lastly, this Defendant would object to this request to the extent it seeks production of documentation that is a matter of public record and/or in the public domain, and therefore as easily accessible by the Plaintiff as this Defendant.

REQUEST FOR PRODUCTION NO. 3:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, global and general. Further, this request to the extent it is not limited to the relevant time period in this case nor is it limited to the subject premises. Still further, this Defendant objects to this request to the extent it seeks to compel this Defendant to do a document and/or literature search on the grounds that it is clearly outside the scope of permissible discovery under Rule 167 of the Texas Rules of Civil Procedure. Lastly, this Defendant would object to this request to the extent it seeks production of documentation that is a matter of public record and/or in the public domain, and therefore as easily accessible by the Plaintiff as this Defendant.

REQUEST FOR PRODUCTION NO. 4:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the subject premises nor is it limited to the time period relevant in this case. Further, this Defendant would object to this request as not limited to the matters made the basis of this lawsuit, specifically alleged exposure to asbestos fibers and therefore, seeks disclosure of information and/or production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 5:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this

Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 8:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, and therefore seeks production of

documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 9:

Produce all documents that relate to abatement of asbestos from any of your plants, including but not limited to the Defendant's Premises located in Corpus Christi, Texas.

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 10:

Produce all documents related to the medical condition of Ramon T. Cedillo 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 Plaintiff s health.

RESPONSE:

None in the possession of this Defendant.

REQUEST FOR PRODUCTION NO. 11:

Produce Plaintiff s entire personnel file from Defendant's Premises.

RESPONSE:

None in the possession of this Defendant.

REQUEST FOR PRODUCTION NO. 12:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that this Defendant considers to be proprietary in nature, and therefore would be protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 13:

Produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant will supplement.

REQUEST FOR PRODUCTION NO. 15:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit specifically asbestos containing thermal insulation products, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 16:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the personal privacy rights or the patient physician privileges of the non parties that may be involved.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 18:

Produce all insurance policies that might cover the claims made by Plaintiff in this case.

RESPONSE:

Defendant Union Pacific Resources Company has over the years maintained an insurance policy and liability protection. Specific information relating to such insurance coverage and/or liability protection can be made available for inspection and copying at a mutually agreeable time in the offices of Hays, McConn, Rice & Pickering, 1200 Smith Street, 400 Two Allen Center, Houston, Texas 77002.

REQUEST FOR PRODUCTION NO. 19:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 20:

Produce all documents relating to inspection 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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 21:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its 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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague and not limited to the time period relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 22:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is clearly overly broad, vague and improper under Rule 167 in that it seeks production of documentation that is not in the care, custody or control of this Defendant. Further, to the extent the documentation sought is a matter of public record or in the public domain, this Defendant would object as such is equally accessible by Plaintiff as this Defendant.

REQUEST FOR PRODUCTION NO. 23:

Produce all documents provided to any expert or fact witnesses as a result of the filing of this case, if such document forms the basis of the witness's testimony or opinions.

RESPONSE:

This Defendant has not yet designated any potential testifying expert witnesses. Upon such designation, any responsive documentation will be made available for inspection and copying at a mutually agreeable time in the offices of Hays, McConn, Rice & Pickering or in conjunction with the oral deposition of any potential testifying expert witness.

REQUEST FOR PRODUCTION NO. 24:

Produce all curriculum vitae resumes of any of the experts and/or persons with knowledge of relevant facts that you have listed in your Answers to Interrogatories.

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request to the extent it seeks production of a curriculum vitae or resume of any person with knowledge of relevant facts on the grounds that such is clearly outside the scope of permissible discovery under Rule 166b and Rule 167 of the Texas Rules of Civil Procedure. Subject to and without waiving the foregoing objections, to the extent this request is limited to any potential testifying expert witnesses retained by this Defendant, the requested documentation, when obtained, can be made available for inspection and copying at a mutually agreeable time in the offices of Hays, McConn, Rice & Pickering or in conjunction with the duly noticed oral deposition of any potential testifying expert witness.

REQUEST FOR PRODUCTION NO. 25:

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

Objection. Defendant Union Pacific Resources Company objects to this request on the

grounds it is overly broad, vague, general and global and constitutes nothing more than a "fishing expedition" specifically prohibited by Texas law as it relates to discovery requests. Further, this Defendant would object to this request to the extent it seeks production of documentation and/or the disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 26:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, not limited to the time period relevant in this case nor is it limited to the subject premises, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 27:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is clearly overly broad, vague, not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit specifically alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this request to the extent it seeks production of documentation that is considered proprietary in nature, and therefore protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 28:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably

calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 29:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, general and global. Further, this Defendant would object to this request as not limited to the time period relevant in this case nor is it limited to the matters made the basis of this lawsuit, specifically, alleged exposure to asbestos fibers, and therefore seeks production of documentation wholly irrelevant to any material in this case and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, general and global. This Defendant would specifically object to this request as not limited to the time period relevant in this case, and therefore seeks production of document wholly irrelevant to any material issue in this and not reasonably calculated to lead the discovery of admissible evidence. Still further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Still further, this Defendant would object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege, the party communication privilege and the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 31:

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:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague and seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, copies of this Defendant's annual report for the last five years can be made available for inspection and copying at a mutually

agreeable time in the offices of Hays, McConn, Rice & Pickering, 1200 Smith Street, 400 Two Allen Center, Houston, Texas.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague and as phrased, could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence. Subject to and without waiving the foregoing objections, see this Defendant's Preliminary Statement.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Objection. Defendant Union Pacific Resources Company objects to this request on the grounds it is overly broad, vague, general and global. This Defendant would specifically object to this request to the extent it could be construed as seeking production of documentation that would be protected from discovery by virtue of the attorney client privilege. Subject to and without waiving the foregoing objections, see this Defendant's Preliminary Statement.