PLAINTIFF'S
EXHIBIT
AL-1823

CAUSE NO. 98-03869-G

GILBERTO ANTONIO BALLI, et al.,	§	**IN THE DISTRICT COURT OF**
	§	
Plaintiffs,	§	
	§	
VS.	§	**NUECES COUNTY, TEXAS**
	§	
OWENS-CORNING FIBERGLAS CORPORATION, et al.,	§	
	§	
Defendants.	§	**319TH JUDICIAL DISTRICT**

ALCOA'S RESPONSES TO FREDDIE JOE BARNEC'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS

TO: FREDDIE JOE BARNEC, by and through his attorney of record, Russell Budd, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Defendant Aluminum Company of America ("Alcoa") serves these responses to Plaintiff, Freddie Joe Barnec's First Set of Interrogatories, First Request for Production and First Request for Admissions.

By: _____

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State Bar #: 20728300
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by hand delivery, telephonic document transfer, certified mail, return receipt requested, or regular mail to all parties on this the 28th day of August, 2000.

RONALD B. WALKER

RESPONSES TO INTERROGATORIES

OBJECTIONS TO DEFINITIONS:

Plaintiff's requests include over two pages of single-spaced definitions. Alcoa objects generally to these definitions as being unduly complex, vague, ambiguous and adding to the unreasonable burden imposed by the requests. Alcoa further objects to the definitions to the extent that theses definitions change the common meaning of the English language with regard to any phrase or word, to the extent that these definitions alter the scope of discovery under the Texas Rules of Civil Procedure, and tot he extent that these definitions define terms differently that such terms are defined under the Texas Rules of Civil Procedure and Texas common law. To the extent that a conflict exists, Alcoa will respond using the defined terms in their ordinary meaning in the English language or as defined in the Texas Rules of Civil Procedure. Further, Alcoa makes the following additional objections to the specified definitions:

The definition of "Defendant," "You," and "Your company" is overly broad, ambiguous and renders the requests incapable of proper response. For the purposes of these discovery responses, "Defendant," "You," and "Your company" refer to Alcoa.

The definition of "Document," documents," "written materials," or "printed matters" is overly broad, ambiguous and renders the requests incapable of proper response and further exceeds the scope of discovery as specified in Tex. R. Civ. P. 166b(2)(b). For the purposes of these discovery responses, "document" and "documents" will use the definition given in the Texas Rules of Civil Procedure, Rule 166b(2)(b). "Written materials" and "printed matters" will use the ordinary meaning of those terms in the English language.

GENERAL OBJECTIONS: (These objections are repeated and incorporated verbatim into each of Alcoa's responses.)

1. In this litigation plaintiff Freddie Joe Barnec has alleged that he was exposed to asbestos while working for Fisk Electric at Alcoa, Point Comfort, Texas sometime in 1967 and 1970 for 9-10 months; for less than one month in 1967 while working for Coastal Electric Company, at Alcoa, Point Comfort, Texas; and sometime between 1971 and 1972 intermittently while working for Fairbairn Electric Company at Alcoa Point Comfort, Texas.

To the extent that the discovery requests seek information for time periods unrelated to those years specified, Alcoa objects that the request is overly broad, unduly burdensome, oppressive, unreasonable, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

2. Alcoa objects to these requests to the extent that they request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

3. Alcoa objects to these requests to the extent that they request information that would constitute trade secret, business confidential or otherwise proprietary information.

4. Alcoa objects to these requests as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that they request information concerning times other than when plaintiff Freddie Joe Barnec may have worked at the Alcoa Point Comfort, Texas facility.

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 objects to this interrogatory as being overly broad, burdensome and brought for the purpose of harassment to the extent that it requests information concerning the job title, length of time employed by Alcoa, and a year by year listing of all other positions, titles, or jobs held when working for Alcoa. Defendant further objects to this request to the extent that it requests information that is protected from discovery as being attorney work product, attorney client privileged, witness statements, party communications, or consulting expert privileged.

Subject to the above objections, the following information may be responsive to this request:

Tom Hanson
Alcoa
Highway 35
Point Comfort, TX 77978

Attorneys and Staff of
WALKER, KEELING & CARROLL, L.L.P.
P.O. Box 108
Victoria, TX 77902-0108

Attorneys and Staff of
LEBOEUF, LAMB, GREENE & MACRAE
601 Grant Street
Pittsburgh, PA 15219

Attorneys and Staff of
FORMAN, PERRY, WATKINS, KRUTZ & TARDY, P.L.L.C.
P. O. Box 22608
Jackson, Mississippi, 39225-2608

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: Alcoa objects that this Request is vague as it is not limited in time and does not refer to a specific facility owned by Alcoa and further objects that the Request is ambiguous as it seeks information relating to undefined "asbestos-containing products." Alcoa additionally objects that this Request fails to comply with the requirements of Rule 198.1 of the Texas Rules of Civil Procedure. Subject to these objections, Alcoa admits that it has ordered or purchased asbestos-containing products or materials at some time for use in some part of some of its operating facilities.

REQUEST FOR PRODUCTION NO. 1: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Alcoa further objects to this request to the extent that it requests information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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 Defendant's Premises during the years at issue.

RESPONSE: Alcoa objects that this Request is ambiguous as it seeks information relating to undefined "asbestos-containing products." Alcoa also objects that this Request fails to comply with the requirements of Rule 198.1 of the Texas Rules of Civil Procedure. Subject to these objections, Alcoa admits it has ordered or purchased asbestos-containing products or materials at some time for use in some parts of its Point Comfort, Texas facilities.

INTERROGATORY NO. 2: If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

a. What these products were used for
b. Form 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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in general and to the extent that it is not reasonably limited in time or scope and further to the extent that it requests information concerning products to which plaintiff could not have come into contact.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: See Objection and Answer to Interrogatory No. 2.

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: Alcoa objects that this Request is vague as it is not limited in time and further objects that the Request is ambiguous as it seeks information relating to undefined "asbestos-containing products." Subject to these objections, this Request is denied.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible

evidence in general and to the extent that it is not reasonably limited in time or scope and further to the extent that it requests information concerning products to which plaintiff could not have come into contact.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 3: Produce all documents that in any way 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: See Objection and Answer to Interrogatory No. 3.

REQUEST FOR ADMISSION NO. 4: Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE: Denied. Following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 4: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

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: See Response to Request for Admission No. 4 and Request for Production No. 4.

REQUEST FOR PRODUCTION NO. 6: Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, 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: Alcoa objects to this Request as the request for "all records identifying contractors and/or employees of contractors" is overly broad. Subject to this objection,

Alcoa states that it has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR PRODUCTION NO. 7: Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, during the years at issue, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identify the plaintiff.

RESPONSE: Alcoa object to this Request as the request for "all records pertaining to the methods and manner of identification of individual entering and/or leaving your facilities" is overly broad, unduly burdensome, oppressive, unreasonable, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

INTERROGATORY NO. 4: Identify the contractors who worked on your premises during the years at issue 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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in general and in that it is not reasonably limited in scope or to the activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 8. Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, 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: Alcoa objects that this Request is overly broad, burdensome and irrelevant. Subject to these objections, Alcoa states that it has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., at One Gateway Center, Suite 1600, at a time to be mutually agreed upon by the parties.

INTERROGATORY NO. 5: Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

ANSWER: See Objection and Answer to Interrogatory No. 4.

REQUEST FOR ADMISSION NO. 5: Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE: Denied. Following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statement, Alcoa admits that Plaintiff Barnec believes that he worked at Alcoa's Point Comfort, Texas facility. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec did or did not perform work at the Alcoa Point Comfort, Texas facility. Furthermore, Alcoa only admits that asbestos-containing products have been used or applied in some areas of its Point Comfort, Texas facilities.

REQUEST FOR PRODUCTION NO. 9: If you deny the foregoing request, in whole or in party, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

INTERROGATORY NO. 6: Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Corpus Christi, Texas? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER: It is Alcoa's contention that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Corpus Christi, Texas due to the fact that Alcoa had no facility in Corpus Christi, Texas.

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: Following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statement, Alcoa denies this request, but admits that asbestos-containing products have been used or applied in some areas of its Point Comfort, Texas facilities.

REQUEST FOR PRODUCTION NO. 10: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

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: Denied. Alcoa objects to this Request as no time period is specified. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statement, Alcoa admits that asbestos-containing products have been installed, used, prepared for use, replaced, repaired, stored , loaded or unloaded in some areas its Point Comfort, Texas facilities.

REQUEST FOR ADMISSION NO. 8: Admit that in 1950 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited to the use of asbestos at an Alcoa facility. Finally, Alcoa objects that this Request is vague. Subject to these objections, this Request is denied. Alcoa admits that by the late 1940's some Alcoa employees believed only that the use of asbestos in certain specific industries and by certain specific trades involving the sustained exposure of substantial amounts of asbestos may create a potential health hazard to those who breathed such dust.

REQUEST FOR PRODUCTION NO. 11: If you deny the foregoing request, in whole or part, produce all documents supporting your denial.

RESPONSE: Alcoa incorporates by reference its Response to Request for Admission No. 8. Subject to the statements made by Alcoa in its Response to Request for Admission No. 8, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying

at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Alcoa objects that the term "use of" is ambiguous. Alcoa additionally objects to this Request as no time period is specified. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statements, Alcoa admits that asbestos-containing products have been present at or installed in certain areas of its Point Comfort, Texas facility.

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: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

INTERROGATORY NO. 7: Please identify any 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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope and further to the extent that it requests information regarding warnings which were provided or should have been provided by other entities.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 13: Produce all such warnings.

RESPONSE: See Response to Interrogatory No. 7.

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: Alcoa objects that this Request is overly broad as no time period is specified. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statements, Alcoa denies that it never distributed any literature or warnings of any kind to its employees at its Point Comfort, Texas facility regarding the potential health hazards of asbestos.

REQUEST FOR PRODUCTION NO.14: If you deny the foregoing, produce all such warnings.

RESPONSE: Alcoa objects that this Request is vague, unintelligible, and incorporates the objections to Request For Admission Answer Number 10.

INTERROGATORY NO. 8: Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at jobsites 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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 15: Produce all such safety policies.

RESPONSE: See Objection and Answer to Interrogatory No. 8.

REQUEST FOR ADMISSION NO. 11: Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE: Denied.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in general and to the extent that it is not reasonably limited in time or scope, and further to the extent that it requests information regarding warnings which were provided or should have been provided by other entities.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: See Objection and Answer to Interrogatory No. 9.

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: See Objection and Answer to Interrogatory No. 9.

REQUEST FOR ADMISSION NO. 12: Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1950 to 1979 for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Alcoa additionally objects that this Request is overly broad as it is not limited to Alcoa's Point Comfort, Texas facility. Finally, Alcoa objects to this Request as the use of the term "continuously" is ambiguous. Subject to these objections, this Request is denied.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope. Defendant further objects to this request to the extent that it requests information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice. Further, information regarding governmental testing may be available from the governmental agency involved, if any, and is equally accessible to plaintiff as to this defendant.

INTERROGATORY NO. 13: Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed measurements and/or studies prior to 1950 to determine the quantity of asbestos fibers in the air at Aluminum Company of America facility? If the answer is anything other than "no", identify each and every fact which supports this contention and identify all documents which specifically support this contention.

ANSWER: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope. Alcoa additionally objects that this Request seeks information that is not within the scope of discovery provided by Rule 192.3 of the Texas Rules of Civil Procedure as Plaintiff Barnec does not allege that he worked at Alcoa's Point Comfort, Texas facility prior to 1950.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: See Objection and Answer to Interrogatory No. 12.

REQUEST FOR ADMISSION NO. 13: Admit that you did not erect containment barriers to prevent emission of asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "containment barriers" is ambiguous. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never erected containment barriers to prevent the emission of asbestos dust.

REQUEST FOR PRODUCTION NO. 16: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "containment barriers" in Request for Admission No. 13 is ambiguous. Subject to these objections, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 14: Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "engineering controls" is ambiguous. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never utilized isolation or enclosures at worksites when employees were using asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 17: If you deny the foregoing request, in whole or in part, produce all such documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "engineering controls" in Request for Admission No. 14 is ambiguous. Subject to these objections, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 15: Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never utilized ventilation or exhaust systems to divert dust at worksites where employees were utilizing asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 18: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, Plaintiff is

advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 16: Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "dust collection engineering controls" is ambiguous. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never utilized dust collection to trap airborne asbestos dust at worksites where employees were using asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 19: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "dust collection engineering controls" in Request for Admission No. 16 is ambiguous. Subject to these objections, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that this Request fails to comply with the requirements of Rule 198.1 of the Texas Rules of Civil Procedure. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never required its employees to handle, mix, apply, remove, cut, or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at its worksites where employees were using asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 20: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 18: Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the use of the word "evacuate" is ambiguous. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing, Alcoa denies that it has never utilized some evacuation or limited access at worksites when employees were using asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 21: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Alcoa additionally objects that the reference to "evacuate" is ambiguous. Subject to these objections, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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.

ANSWER: See Objection and Answer to Interrogatory No. 7.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope or to Alcoa's Point Comfort, Texas, facility.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never posted warning, caution, or hazard signs at its Point Comfort, Texas facility in areas where asbestos-containing materials were utilized or present.

REQUEST FOR PRODUCTION NO. 22: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 20: Admit that you did not issue any warnings to others at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at the Alcoa Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to worksites at which Plaintiff Barnec was present. Subject to the foregoing statements, Alcoa denies that it never warned others that its employees were using asbestos-containing materials.

REQUEST FOR PRODUCTION NO. 23: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to Alcoa's Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised

that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 24: Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiff's 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: Alcoa objects that this Request is overly broad and burdensome as it is not limited to Alcoa's Point Comfort, Texas facility or to Plaintiff's employer while he allegedly worked at Alcoa's Point Comfort, Texas facility. Subject to these objections, Alcoa states that, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 21: Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 22: Admit that during the years at issue Defendant had to power to control Defendant's Premises.

RESPONSE: Alcoa objects that this Request is unintelligible. Alcoa additionally objects to the use of the phrase "power to control" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal, state, and local statutes, rules, and regulations. Alcoa also specifically denies that it had the "power to control" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 25: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 22 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 23: Admit that during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to manage the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to manage the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 26: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 23 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 24: Admit that during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE: Alcoa additionally objects to the use of the phrase "had the power to direct the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal, state, and local statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to direct the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 27: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 24 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 25: Admit that during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to superintend the use or conditions of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at

issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to superintend the use or conditions of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 28: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 25 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 26: Admit that during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to restrict the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to restrict the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 29: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 26 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 27: Admit that between the years 1948 and 1997, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE: Alcoa additionally objects to the use of the phrase "had the power to regulate the use or condition of" as vague and ambiguous. Alcoa further objects to the scope of this request in that it encompasses years before the Alcoa Point Comfort facility was built and after Plaintiff Barnec would have finished his work at the Alcoa Point Comfort facility. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to regulate the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR ADMISSION NO. 30: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 27 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 28: Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to govern the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to govern the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 31: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 28 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 29: Admit that during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to oversee the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to oversee the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 32: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 29 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa

will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 30: Admit that during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "had the power to administer the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "had the power to administer the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 33: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 30 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 31: Admit that during the years at issue Defendant controlled Defendant's Premises.

RESPONSE: Alcoa objects to the use of the word "controlled" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal, state, and local statutes, rules, and regulations. Alcoa also specifically denies that it "controlled" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 34: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 31 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 32: Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "managed the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "managed the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 35: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 32 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 33: Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "directed the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal, state, and local statutes, rules, and regulations. Alcoa also specifically denies that it "directed the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 36: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 33 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 34: Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "superintended the use or conditions of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "superintended the use or conditions of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 37: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 34 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 35: Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "restricted the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "restricted the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 38: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 35 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 36: Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE: Alcoa additionally objects to the use of the phrase "regulated the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "regulated the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 39: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 36 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa

will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 37: Admit that during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "governed the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "governed the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 40: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 37 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 38: Admit that during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "oversaw the use or condition of" as vague and ambiguous. Subject to these objections, Alcoa admits that it was the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "oversaw the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 41: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 38 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 39: Admit that during the years at issue, Defendant administered the use or condition of Defendant's Premises.

RESPONSE: Alcoa objects to the use of the phrase "administered the use or condition of" as vague and ambiguous. Subject to this objection, Alcoa admits that it was

the only owner of its Point Comfort, Texas facility during the years at issue and that it operated this facility in compliance with applicable federal and state statutes, rules, and regulations. Alcoa also specifically denies that it "administered the use or condition of" the activities performed by contractors at its Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 42: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa has raised several objections to Request for Admission No. 39 and as such, has not admitted or denied the original Request as drafted. With respect to the statement denied by Alcoa in its foregoing response, at this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 40: Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE: Denied. Following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at Alcoa's Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to the work performed by Plaintiff.

REQUEST FOR PRODUCTION NO. 43: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

INTERROGATORY NO. 17: Do you contend that at no time during the time frame between 1960 and 1989, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Aluminum Company of America facility, who were engaged in activities which could be potentially hazardous to either themselves or Aluminum Company of America employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER: Alcoa objects to this request as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it inquires about ownership or control of the premises in question at times prior to the plaintiff was on the premises. Alcoa further objects to this request as being vague and ambiguous in that it contains double negatives that render the request incapable of proper response.

Subject to the above objections, Alcoa has owned the premises located at Highway 35, Point Comfort, Calhoun County, Texas, and on which its aluminum production facility is located, from the time the facility was built until after the plaintiff was last on the premises, if at all.

REQUEST FOR ADMISSION NO. 41: Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

RESPONSE: Denied. Following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at Alcoa's Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to the work performed by Plaintiff.

REQUEST FOR PRODUCTION NO. 44: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

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: Alcoa objects that the use of the phrase "not entirely free to do the work" is vague and ambiguous. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec did or did not perform work at the Alcoa's Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to the work performed by Plaintiff nor the control exercised by Plaintiff's employer(s).

REQUEST FOR PRODUCTION NO. 45: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 43: Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE: Alcoa objects that the use of the phrase "not entirely free to do the work" is vague and ambiguous. Alcoa objects that the reference to Plaintiff's employer is ambiguous. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at Alcoa's Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to the work performed by Plaintiff's employer(s) at Alcoa's Point Comfort, Texas facility.

REQUEST FOR PRODUCTION NO. 46: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR ADMISSION NO. 44: Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is vague as it fails to specify a period of time. Subject to this objection, this Request is admitted.

REQUEST FOR PRODUCTION NO. 47: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa did not deny the foregoing request, as such no response to this Request is necessary.

REQUEST FOR ADMISSION NO. 45: Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is vague as it fails to specify a period of time. Subject to this objection, this Request is admitted.

REQUEST FOR PRODUCTION NO. 48: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa did not deny the foregoing request, as such no response to this Request is necessary.

REQUEST FOR ADMISSION NO. 46: Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is vague as it fails to specify a period of time. Subject to this objection, this Request is admitted.

REQUEST FOR PRODUCTION NO. 49: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa did not deny the foregoing request, as such no response to this Request is necessary.

REQUEST FOR ADMISSION NO. 47: Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE: Alcoa objects that the use of the product description "fireproofing" is vague. Alcoa additionally objects that this Request is vague as it fails to specify a period of time. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Subject to the foregoing statements, Alcoa admits that asbestos-containing insulation had been installed in some areas of Alcoa's Point Comfort, Texas facility and that some of this insulation may have had fire retardant properties.

REQUEST FOR PRODUCTION NO. 50: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: See Alcoa's Response to Request for Admission No. 47.

REQUEST FOR ADMISSION NO. 48: Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE: Alcoa objects that the use of the product description "joint compound" is vague. Alcoa additionally objects that this Request is vague as it fails to specify a period of time. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 51: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: See Alcoa's Response to Request for Admission No. 48.

REQUEST FOR ADMISSION NO. 49: Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is vague as it fails to specify a period of time. Subject to this objection, this Request is admitted.

REQUEST FOR PRODUCTION NO. 52: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa did not deny the foregoing request, as such no response to this Request is necessary.

REQUEST FOR ADMISSION NO. 50: Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE: Alcoa objects that the reference to "such installation" in this Request is vague and ambiguous. Subject to this objection, Alcoa denies that it directed, supervised, and/or controlled asbestos containing insulation installed by contractors.

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: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

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: Alcoa objects to this request as being vague and ambiguous and rendering the request incapable of proper response to the extent that it does not specify the nature of the physical injury, the quantity of asbestos fibers inhaled or the type of fiber involved.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: Alcoa objects that this Request is overly broad and duplicative. Subject to these objections, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 51: Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE: Alcoa objects that this Request is overly broad and vague as no time period is specified and the Request is not limited to Alcoa's Point Comfort, Texas, facility. Alcoa additionally objects that this Request seeks information that is not within the scope of discovery provided by Rule 192.3 of the Texas Rules of Civil Procedure as the Request is not limited to contractors who allegedly employed Plaintiff Barnec while the Plaintiff worked at Alcoa's Point Comfort, Texas facility. Subject to these objections, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request.

REQUEST FOR ADMISSION NO. 52: Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE: Alcoa objects that the reference to Plaintiff's employer is ambiguous. Subject to this objection, and following a reasonable inquiry by Alcoa, the information known or easily obtainable by Alcoa is insufficient to enable Alcoa to admit or deny this Request. Aside from Plaintiff Barnec's discovery responses, Alcoa denies that it has discovered any evidence that Plaintiff Barnec performed any work at Alcoa's Point Comfort, Texas facility. As such, Alcoa is unable to admit or deny information relating to the work performed by Plaintiff's employer at Alcoa's Point Comfort, Texas facility.

REQUEST FOR ADMISSION NO. 53: Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 55: Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiff's Request for Disclosure under Text.R.6.P.194.2, subparagraph (c).

RESPONSE: Alcoa objects that this Request is duplicative. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Alcoa objects to this request on the basis that it seeks an expert medical opinion which this defendant is not qualified to render. Alcoa further objects to this request in that it would require Alcoa to assume Plaintiff was exposed to asbestos at the Alcoa Point Comfort, Texas, facility and that Plaintiff has an asbestos-related injury. Subject to this objection, Plaintiff's Petition and discovery responses in this case make this exact contention. Accordingly, such documents are equally accessible to Plaintiff as they are to Alcoa.

REQUEST FOR ADMISSION NO. 54: Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE: Alcoa further objects to this request in that it would require Alcoa to assume Plaintiff was exposed to asbestos at the Alcoa Point Comfort, Texas, facility and that Plaintiff has an asbestos-related injury. Subject to this objection, the request is denied.

REQUEST FOR PRODUCTION NO. 56: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: See objections to the foregoing request. Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR ADMISSION NO. 55: Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE: Alcoa objects that this Request is vague as it is not limited in time and does not refer to a specific facility owned by Alcoa. Subject to this objection, this Request is denied.

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: Alcoa objects that this Request is vague as it is not limited in time and does not refer to a specific facility owned by Alcoa. Alcoa further objects that this Request assumes facts not in evidence. Subject to this objection, this Request is denied.

REQUEST FOR PRODUCTION NO. 57: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that this Request is duplicative. Subject to this objection and the objections raised in the foregoing request, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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 Plaintiff's asbestos-related injury.

RESPONSE: Alcoa objects to this request in that it assumes facts for which there is no evidence. Subject to this objection, the request is denied.

REQUEST FOR PRODUCTION NO. 58: If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE: Alcoa objects that Request for Admission No. 57 assumes facts not in evidence. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: At this time, Alcoa has discovered no documents reflecting that the Plaintiff ever worked at a facility owned by Alcoa. As such, Alcoa has no documents responsive to this Request to the extent that this Request seeks documents specifically relating to Plaintiff Barnec's purported work at Alcoa's Point Comfort, Texas facility. To the extent that this Request seeks information generally relating to work conditions at Alcoa's Point Comfort, Texas facility, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 60: If you contend that Plaintiff is 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: Alcoa objects to the wording "exposures other than asbestos dust at the premises" as being vague, ambiguous and rendering the request incapable of proper response. Subject to this objection, Plaintiff's Petition and discovery responses in this case make this exact contention. Accordingly, such documents are equally accessible to Plaintiff as they are to Alcoa. Subject to these statements, documents responsive to this Request are available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 63: Produce all documents used, referred to or relied upon in answering any Interrogatories.

RESPONSE: Subject to the objections raised in the interrogatories, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has already made or will make responsive documents available for Plaintiff's counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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-rom, 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: Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Alcoa objects that this Request is overly broad as it is not limited in time or to the Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 66: Produce the written materials referred to in the interrogatory above.

RESPONSE: See Objection and Answer to Interrogatory No. 20.

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: Denied.

REQUEST FOR ADMISSION NO. 59: Admit that Defendant is liable for Plaintiff's 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: Alcoa objects to the phrase "in use and/or in place" as vague and ambiguous. Alcoa further objects to this request as being overly broad in that it is not limited to Alcoa's Point Comfort, Texas, facility. Subject to this objection, Alcoa admits that asbestos-containing materials are present in certain areas of its Point Comfort, Texas facility in full compliance with all applicable federal, state, and local statutes, rules, and regulations.

REQUEST FOR ADMISSION NO. 61: Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Alcoa objects to the word "uses" as vague and ambiguous. Alcoa further objects to this request as being overly broad in that it is not limited to Alcoa's Point Comfort, Texas, facility. Subject to this objection, this Request is denied. By way of additional response, Alcoa denies that it continues to purchase asbestos-containing materials and admits that asbestos-containing materials are present in certain areas of its Point Comfort, Texas facility in full compliance with all applicable federal, state, and local statutes, rules, and regulations.

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: Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa has made and will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 70: Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measurers to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to the Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 71: Produce all contracts, or other documents that related to abatement of asbestos at Defendant's Premises.

RESPONSE: See Objection and Answer to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 72: Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

RESPONSE: Alcoa objects that this Request is overly broad as it is not limited in time or to the Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa will make documents responsive to this Request available for

Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 73: Produce all documents that in any way reflect a removal plant or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE: See Objection and Answer to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 74: Produce all documents related to the medical condition of Freddie Joe Barnec at any time during his employment at Defendant' 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: Alcoa objects to this request to the extent that it requests documents proffered by the consulting expert privilege. Subject to this objection, at this time, Alcoa has discovered no documents responsive to this Request other than those produced by Plaintiff. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

REQUEST FOR PRODUCTION NO. 75: Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE: At this time, Alcoa has discovered no documents responsive to this Request. Alcoa's fact investigation is on-going and Alcoa will amend this Response should responsive documents subsequently be discovered.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it is not reasonably limited in time or scope or to Alcoa's Point comfort, Texas, facility.

Subject to the above objections, Alcoa's response to this interrogatory can be ascertained from Alcoa's business records, which will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: See Objection and Answer to Interrogatory No. 7.

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: See Objections and Response to Request for Production No. 76.

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: See Objections and Response to Request for Production No. 12.

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: Alcoa objects to this request to the extent that it seeks documents protected by the attorney/client and work product privileges. Alcoa objects to this request to the extent that it seeks to invade individual employees' rights of privacy in their confidential medical information. Alcoa further objects to this request as being irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Alcoa objects to this request to the extent that it seeks documents relating to facilities other than the Point Comfort facility where Plaintiff may have been employed. Subject to and without waiving these objections, Alcoa will make available for Plaintiffs' counsel's inspection and/or copying documents responsive to this Request at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 81: Produce all documents, including but not limited to, corporate minutes, which mention the hazards of potential hazards of asbestos.

RESPONSE: Alcoa objects to this request to the extent that it seeks documents protected by the attorney/client and work product privileges. Alcoa further objects to this request as being overly broad and burdensome in that it is not limited in time or scope.

Subject to and without waiving this objection, Alcoa will make available for Plaintiffs' counsel's inspection and/or copying documents responsive to this Request at the offices

of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: See Objection and Answer to Interrogatory No. 2.

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: Alcoa objects that this Request is overly broad as it is not limited in time or to the Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 84: In the event that Defendant performed or had performed any dust level counts or measurements of any of its plaints 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: Alcoa objects that this Request is overly broad as it is not limited in time or to the Point Comfort, Texas facility. Subject to this objection, Plaintiff is advised that Alcoa has identified documents responsive to this Request which will be withheld from production based upon both the attorney-client and attorney work product privileges. Subject to this caveat, Alcoa will make documents responsive to this Request available for Plaintiffs' counsel's inspection and/or copying at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 at a time to be mutually agreed upon by the parties.

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: Alcoa objects to this Request to the extent that it violates the consulting expert privilege. Alcoa further objects that this request is in direct violation of TEX.R.CIV.P. 195.1 concerning information on testifying experts. Subject to these

objections, Alcoa has not determined which experts it will call to testify at the trial of this matter. When additional information becomes available to Alcoa, Alcoa will accordingly supplement its Response to this Request and/or provide these documents in accordance with the Texas Rules of Civil Procedure and any pre-trial orders entered in this matter.

REQUEST FOR PRODUCTION NO. 86: Produce any and all documents which will be used at the time of trial, including all potential exhibits and those documents which can 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: Alcoa objects to this request on the grounds that the choice of documents which Alcoa may seek to introduce into evidence at trial is the privileged work product of Alcoa's attorneys subject to a court order pursuant to TRCP Rules 166 and 190.4. Alcoa will identify its witnesses and trial exhibits at such time as the court may require.

REQUEST FOR PRODUCTION NO. 87: Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE: See Objection and Response to Request for Production No. 80.

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: Alcoa objects to this request as being overly broad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in name to Alcoa's Point Comfort, Texas, facility, or to the issues in this lawsuit. See Objection and Answer to Interrogatory No. 8. And No. 16.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not reasonably limited in time, in scope or to the premises or activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman,

Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 90: Produce all documents which containing complaints by Union representatives of Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

RESPONSE: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not reasonably limited in time, in scope or to the premises or activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 91: Produce any documents, organizational charts or rosters, which identify the members of the management at the Defendant's premises and their areas of responsibility.

RESPONSE: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not reasonably limited in time, in scope or to the premises or activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 92: Produce any and 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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible

evidence to the extent that it requests documentation of Alcoa's net worth from more than one source.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 93: Produce any and all indemnity agreements, assignments of liability, subrogation agreements or other similar documents relating to Defendant's ownership of said premise and liabilities arising from ownership.

RESPONSE: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it requests information concerning issues and liabilities other than those alleged in this lawsuit. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 95: Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not reasonably limited in time, in scope or to the premises or activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

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: Defendant objects to this request as being overly broad, burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not reasonably limited in time, in scope or to the premises or activities involving Freddie Joe Barnec. Alcoa further objects to this request to the extent that it request information that is protected from discovery by the attorney work product, witness statement, party communication, or attorney client privileges.

Subject to the above objections, Alcoa's business records which are responsive to this request will be made available for copying and inspection at the offices of Forman, Perry, Watkins, Krutz & Tardy, P.L.L.C., 188 East Capitol Street, Suite 1200, Jackson, MS 39201 during reasonable business hours at a convenient time upon reasonable advance notice.

REQUEST FOR PRODUCTION NO. 97: Produce all documents and other tangible things relating to the plaintiff.

RESPONSE: Alcoa objects to this request as being in violation of the consulting expert privilege, the attorney client privilege and the attorney work product privilege. Subject to these objections, see Response to Request for Production No. 74.