

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PLAINTIFF'S EXHIBIT

B&R-443

GENE LEROY JOHNSON and
MARGARET JOHNSON,

Plaintiffs

vs.

A-BEST PRODUCTS COMPANY,
et al.

Defendants.

CASE NO. 468662

(JUDGE HARRY A. HANNA)

**OBJECTIONS AND RESPONSES OF DEFENDANT,
KELLOGG BROWN & ROOT, INC. TO PLAINTIFFS'
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW, Kellogg Brown & Root, Inc., Defendant in the above-entitled and numbered cause, and serves these Objections and Responses to Plaintiffs' Interrogatories and Requests for Production, pursuant to applicable rules of civil procedure.

PRELIMINARY STATEMENT

Subject to the limitations set forth in this Preliminary Statement and Common Objections set forth below, Answering Defendant responds to the Plaintiffs' Interrogatories and Requests for Production. It should be noted that the events at issue in this case are alleged to have occurred many years ago, and continuing investigation, further discovery, independent investigation, legal research, and analysis may supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial changes to, changes in, and variations from the responses set forth herein, which are based on the results of investigation to date. Responses provided previously, and prior to subsequent investigation, should be considered supplemented and/or amended by the responses herein.

It should be further noted that the entity sued is Kellogg Brown & Root, Inc., for alleged acts or omissions of a predecessor entity, Brown & Root, Inc. Responses are provided only as to Brown & Root, Inc., and not as to any other predecessor entity.

The documents identified which Answering Defendant agrees to provide for inspection in response to these specific Requests for Production will be provided for inspection and copying upon reasonable notice at the office of Answering Defendant's counsel.

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include 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: Answering Defendant objects to this Interrogatory on the grounds that it requests information which is neither relevant nor likely to lend to the discovery of admissible evidence at trial and because it is, in part, overly broad. Subject to and without wavier of the above objections, Answering Defendant states that the information was assembled by employees of Kellogg Brown & Root, Inc. from records and files, and personnel in the appropriate offices, departments and divisions of the corporation.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it requests information which is neither relevant nor likely to lend to the discovery of admissible evidence at trial and because it is, in part, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that it seeks information and documents

protected from disclosure by the attorney-client privilege and/or the Attorney Work Product Doctrine.

2. Please state whether or not Defendant is a corporation. If so, please state:
 - A. Your correct corporate name;
 - (B) The state of your incorporation;
 - I. The address of your principal place of business;
 - A. Your registered agent for service in the state of Ohio;
 - B. For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER: Answering Defendant states that Brown & Root's proper corporate name is Kellogg Brown & Root, Inc. Kellogg Brown & Root, Inc. is a Delaware Corporation. Its principle place of business is 601 Jefferson Avenue, Houston, Texas 77002. CT System at 811 Dallas Avenue, Houston, TX is authorized to accept service of process. Kellogg Brown & Root, Inc. and its predecessors have held a Certificate of Authority to do business in the State of Texas.

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- C. if Defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition;

- A. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of in/corporation, and the name of Defendant at the time of acquisition;
- B. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- C. the date of each such acquisition;
- D. the state in which each such acquisition was effected;
- E. the state law governing each such acquisition if specified by contract;
- F. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- G. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the above objections, the company was incorporated in Texas under the name Brown & Root, Inc. in 1929. It conducted business under the name Brown & Root U.S.A., Inc., during the 1980's. Brown & Root U.S.A., Inc. became a Delaware corporation in 1989. The name of the company was changed back to Brown & Root, Inc. in 1991 and changed again to Kellogg Brown & Root, Inc., in 1999.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- H. the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its

date of incorporation, and the name of Defendant at the time of acquisition;

- A. the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- B. the date of each such acquisition;
- C. the state in which each such acquisition was effected;
- D. the state law governing each such acquisition if specified by contract;
- E. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- F. whether the acquisition concerned asbestos-containing products.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, Brown & Root has never engaged in the mining, manufacturing, selling, marketing or distribution of asbestos-containing products. By way of further response, Brown & Root has never purchased a company involved in the selling, manufacturing, marketing or distribution of asbestos-containing products.

4.1 For each corporation, other than the answering Defendant, that has at any time in the past been involved in the placing of asbestos containing products into the stream of commerce for which officers of the answering Defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering Defendant, state:

- G. the name of the entity involved in the placing of asbestos products into the stream of commerce;
- A. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);
- B. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name;
- C. the name, positions and a brief description of the responsibilities of the person or persons serving the answering Defendant and the entity simultaneously including the positions held with the entity and with the answering Defendant.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it requests information which is neither relevant nor likely to lead to the discovery of admissible evidence at trial and because it is, in part, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "placing of asbestos-containing products into the stream of commerce" is so vague and ambiguous that no response is possible.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- D. The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- A. As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:

- (1) The trade or brand name.
 1. Its identification number (model, serial number, etc.).
 2. The time period it was manufactured, mined, marketed, distributed or sold.
 3. Its physical description including color, general composition, and form.
 4. A detailed description of its intended use and purpose.
 5. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 6. The percent of asbestos which it contained.
 7. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- I. The time period during which each of these products were on the market;
 - A. The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
 - B. How each of these asbestos-containing product can be distinguished from those of competitors;
 - C. A description of the physical appearance of such product;
 - D. A detailed description of the intended uses.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use

mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, Brown & Root has never engaged in the mining, manufacturing, selling, marketing or distribution of asbestos-containing products, nor did Brown & Root have any contracts at the jobsites at issue in this case, as listed in Plaintiff's work history.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to No. 5? If so, please state the following:

- E. The date of each patent;
- A. The date same was issued;
- A. The number of each patent application that is pending.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

7. Have any of the products listed above in answer to No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- B. The trade name of each such product;
- A. The date each such product was altered;
- B. The nature of the alteration;
- (D) The reason for the alteration.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

8. Have any of the asbestos-containing products listed in response to No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- C. The name and address of each such company.
- A. The names and address of Defendant's distributors in Ohio, West Virginia, Pennsylvania and Kentucky since 1940.
- B. The date of each sale.
- C. The name of the person at each location with whom you primarily dealt.
- D. A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- E. The amount of each asbestos product sold to each location during this period.
- F. Please identify all documents relating to this distributor for the particular location.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

8.01 Has this Defendant ever purchased asbestos containing products from any other Defendant?

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that the phrase "any other Defendant" renders it vague and ambiguous. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and without waiver of the above objections, and limiting this response to the jobsites listed in Plaintiff's work history, Answering Defendant's

response is "no". Brown & Root had no contracts at any of the jobsites listed by Plaintiff in his work history during the time period the Plaintiff was present at those jobsites.

8.02 If the answer to the preceding is yes, please state the following:

- A. name each Defendant from whom this Defendant purchased any asbestos containing product;
- B. list each product purchased from each co-Defendant;
- C. list the dates of each purchase of asbestos-containing products from each co-Defendant.

ANSWER: Not applicable. See objections and response to Interrogatory No. 8.01, which are incorporated herein by reference.

8.03 Has this Defendant ever sold asbestos containing products to any other Defendant?

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that the phrase "any other Defendant" renders it vague and ambiguous. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory on the grounds that it assumes facts in dispute, namely, that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "sold asbestos-containing products" renders this Interrogatory inapplicable to a contracting company like this Answering Defendant.

8.04 If the answer to the preceding is yes, please state the following:

- G. name each Defendant to whom this Defendant sold any asbestos containing product;
- A. list each product sold to each co-Defendant;
- B. list the dates of each sale of asbestos-containing products to each co-Defendant.

ANSWER: Not applicable. See objections and response to Interrogatory No. 8.03, which are incorporated herein by reference.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930? If so, please state:

- C. the date such activity began;
- A. the years during which such activity took place;
- B. the date when such activity was terminated;
- C. if such activity was terminated, the reason(s) why;
- D. the geographical area into which you claim the product(s) were sold, purchased, or used;
- E. identify the organizational unit of Defendant so engaged;
- F. the site(s) at which each such product was manufactured;
- G. the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- H. the temperature ranges for which each product(s) was intended to be used;
- I. the product's generic name;
- J. the product's trade or brand name;
- K. the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;

- L. a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;
- M. whether the words "non-asbestos" or "asbestos free" were used on the package;
- N. a detailed description of the intended method of preparation and application of the product;
- O. a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant was a manufacturer, which it denies and is, therefore, argumentative. Answering Defendant further objects to this Interrogatory on the grounds that the term "use" is vague and ambiguous. Subject to and without waiver of the above objections, and limiting this response to the jobsites listed in Plaintiff's work history, Answering Defendant's response is "no". Brown & Root had no contracts at any of the jobsites listed by Plaintiff in his work history during the time period the Plaintiff was present at those jobsites.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (A) the name and address of the manufacturer;
- (B) the product's trade and brand name;
- (C) the organizational unit of Defendant who did so;
- P. date(s) beginning, ending and during which the marketing or distributing took place;

- A. whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- B. identify all documents relating the marketing or distribution.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing product" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, and limiting this response to the jobsites listed in Plaintiff's work history, Answering Defendant's response is "no". Brown & Root had no contracts at any of the jobsites listed by Plaintiff in his work history during the time period the Plaintiff was present at those jobsites.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto? If your answer is "yes," please state:

- C. The basis of your answer.
- A. Please state which of Defendant's asbestos-containing products listed in No. 5 were used at each job site listed on Exhibit A.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A.

- (A) The name and address of each such company;
- B. The date of each sale from Defendant to such other company; .
- A. The name of the person at each other company with whom Defendant primarily dealt.
- B. Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.

Please identify all documents relating to the sales to each such company.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (A) Name and address of each such company;
- C. The dates of each sale from Defendant to such other company;
- A. The name of the person at each other company with whom Defendant primarily dealt;
- B. The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference. By way of further response, and limiting this response to the jobsites listed in Plaintiff's work history, Answering Defendant's response is "no". Brown & Root had no contracts at any of the jobsites listed by Plaintiff in his work history during the time period the Plaintiff was present at those jobsites.

8.4 Does Defendant have records and/or any knowledge that

reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- A. The names and last known addresses of those people with such knowledge.
- C. The location of such records.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "their asbestos-containing products", on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, Answering Defendant has no knowledge as to what products may have been used at Plaintiff's worksites, since Brown & Root had no contracts at the worksites listed in Exhibit "A" during the years Plaintiff was present at those locations.

9. Did Defendant or any of Defendant's distributors, as listed in responses to Interrogatories No. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- A. The name and last known address of each such representative and whether they are still employed by Defendant;
- A. The period of time they acted as your representative;
- (C) Their general responsibility as to each facility;

- (D) Whether that person is still alive; and
- B. Any documents relating, referring or pertaining thereto.

ANSWER: See objections and responses to Interrogatory Nos. 8.1, 8.2, 8.3 and 8.4, which are incorporated herein by reference.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER: See objections and response to Interrogatory No. 8.4, which are incorporated herein by reference.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (A) The name of each subdivision;
- A. The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- A. Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A, from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - 1. The specific asbestos-containing products that were used ore removed in each contract.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that is seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and

without waiver of the above objections and limiting this response to Plaintiff's worksites during the time he was present at those worksites, Brown & Root did not engage in any contracting activities at the jobsites listed in Exhibit "A" during the years of Plaintiff's employment at those sites.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing refractory" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and without waiver of the above objections and limiting this response to Plaintiff's worksites during the time he was present at those worksites, Brown & Root had no division or subsidiary that engaged in any contracting activities at the jobsites listed in Exhibit "A" during the years of Plaintiff's employment at those sites.

12. Please identify by location and product produced, each plant in which products listed in your answer to No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- A. The name of the company manufacturing the asbestos products under such agreement;
- B. The trade name affixed to such products;
- C. The periods of time covered by each such agreement;
- D. The volume (in dollars amounts) of each such transaction;
- E. The purchaser of such products;
- F. Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products and/or materials" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "buyer or a seller" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc? If so, please state:

- A. the same of said business;
- G. the date of commencing business and cessation of business, if applicable;
- A. type of construction or tear out performed;
- B. state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets,

pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;

- C. state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- D. provide the dates for the applicable construction, installation or tear-out project.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts as confusing when directed toward a contractor such as Brown & Root, and appears to be one more properly directed at manufacturers and/or distributors of "boiler" equipment. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and without waiver of the above objections, and limiting this response to work at the Plaintiff's job locations during the years of his employment at those locations, Answering Defendant's response is "no". By way of further response, Answering Defendant had no contracts at Plaintiff's job locations during the years of his employment at those locations.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (A) a description of each such package;
- E. the present location and custodian of each such package;
- A. the date or approximate date on which each such package was produced.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "your manufacture, sale or distribution of such asbestos-containing products" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to No. 5?

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

15. As to each product listed in response to No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to No. 5? If so, please:

- (A) List each such written material or document;
- B. Identify the person or persons presently in possession of each such document;
- A. State where each such document is located.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

18. Prior to releasing the products listed in No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- A. The name of the products tested and the date of each test;
- B. The name, address, and job classification of each individual who conducted such tests;
- (C) The results of such tests.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- B. The name of the products tested and the date of each test.

- A. The name, address, and job classification of each individual who conducted such tests;
- B. The results of such tests.

ANSWER: See response to Interrogatory No. 18, which is incorporated herein by reference.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in No. 5 hereinabove?

- A. Identify each such written material or document;
- C. Identify each person who presently has possession of each such document;
- A. State where each such document is located.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

20. Were any design changes or modifications made as a result of such tests listed in answer to No. 18 hereinabove? If so, please state:

- A. The trade name of the product changed or modified;
- B. The nature of the change made and the date of such changes or modifications;
- A. The name, address, and job classification of each person in charge of making a change.

ANSWER: See response to Interrogatory No. 18, which is incorporated herein by reference.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- A. The names of the products tested and the dates of said tests;

- B. The name, address, and job classification of each person and/or agency conducting said tests;
- (C) The results of said tests;
- B. Whether, as a result of any tests conducted, any products were removed from the market;
- C. The names of all products removed from the market as a result of said tests.

ANSWER: Not applicable. See objections and response to Interrogatory No. 5, which are incorporated herein by reference.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or re-labeled for distribution by you or your predecessor? If so, please state:

- (A) The dates and nature of such studies;
- D. The names and addresses of persons conducting such studies;
- A. The purpose of such studies;
- B. Identify and list those persons to whom such reports were given and the date of such dissemination;
- C. State any publication or other written dissemination of the results of such studies;
- D. State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and;
- E. Attach a copy of reports based upon such studies.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering

Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (A) The date of said studies;
- (B) What studies were done; and
- (C) The titles of each study.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (A) The date, place and nature of each and every test;
- F. The particular asbestos-containing products to which each test applied;
- A. The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- B. The persons to whom the results said tests were given and the date of such dissemination.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- A. When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- B. The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- C. What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;

- D. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- E. The name, address and job classification of the custodian of such information.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it is vague and ambiguous. Subject to and without waiver of the above objection, Answering Defendant's records from which such "first knowledge" or "awareness" of a link between exposures to asbestos and certain diseases could be determined are not, and have not been maintained in such a fashion which would enable it to provide a definitive answer as to when such knowledge was first acquired. However, based on information currently in its possession, Answering Defendant believes that it heard of a possible relationship between certain industrial applications of asbestos and certain diseases at or near the time the OSHA regulations became effective.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it is vague and ambiguous. Answering Defendant further objects to this Interrogatory on the grounds that it assumes facts in dispute, namely that asbestosis and cancers, including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma are caused by "inhalation of asbestos dust and/or fibers", without regard to fiber types and the concentration, duration, frequency, and nature of the exposure. Subject to and without waiver of the above objections, Answering Defendant's records from which such "first knowledge" or

"awareness" of a link between exposures to asbestos and certain diseases could be determined are not, and have not been maintained in such a fashion which would enable it to provide a definitive answer as to when such knowledge was first acquired. However, based on information currently in its possession, Answering Defendant believes that it heard of a possible relationship between certain industrial applications of asbestos and certain diseases at or near the time the OSHA regulations became effective.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Subject to and without waiver of the above objection, Answering Defendant states that its records are not maintained in a fashion that would enable it to respond to this Interrogatory. Answering Defendant further states that the individual who currently acts in a medical advisory capacity is Robert Conte, M.D., c/o Kellogg Brown & Root, Houston, Texas.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER: See objection and response to Interrogatory No. 27, which are incorporated herein by reference.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: See objection and response to Interrogatory No. 27, which are incorporated herein by reference.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER: Answering Defendant states that Brown & Root's records were not maintained in such a fashion that would enable it to provide a response to this Interrogatory.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER: Answering Defendant objects to this Interrogatory on grounds and to the extent that it is not limited to issues related to asbestos and health and is, therefore, overly broad.

Subject to and without waiver of the foregoing objection, Answering Defendant states that Brown & Root's records were not maintained in such a fashion that would enable it to provide a response.

30.2 Has Defendant, or any engineer, industrial hygienist or physician in your employ been a member in any professional group, trade group or any of the following groups:

- American Ceramics Society
- Asbestos Textile Institute
- National Insulation Manufacturers Association
- Thermal Insulation Manufacturers Association
- Quebec Asbestos Mining Association
- Asbestos Information Association
- Industrial Health Foundation
- Industrial Hygiene Foundation
- Iron and Steel Institute
- National Safety Council

Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association
American Society of Mechanical Engineers

If the answer is yes, state the following:

- C. The name of the group or groups in which the individual(s) were members;
- A. The name and position individual(s) within the Defendant, as defined, who were members;
- B. The years the individual(s) were members of the groups;
- C. Whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it calls for Answering Defendant to speculate about the conduct of others. Subject to these objections, and without admitting that these organizations published or disseminated to Answering Defendant documents or information relating to the hazards of asbestos at any relevant time, Brown & Root's safety department was, at various times, a member of the following organizations: Associated General Contractors, Texas Safety Association, National Safety Council, and Association of Builders and Contractors.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein

and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory as confusing when directed toward a contractor such as Brown & Root and because it appears to be one more properly directed at manufacturers of asbestos-containing products. Subject to and without waiver of the foregoing objections, the phrase "your asbestos-containing products" renders this Interrogatory inapplicable to a contracting company like this Answering Defendant. Answering Defendant further states that Brown & Root relied on product manufacturers to act reasonably in this regard.

32. For each test described in No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER: See objections and response to Interrogatory No. 31, which are incorporated herein by reference.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Subject to and without waiver of the above objections, since it began operations in the 1920's, Brown & Root has been a contracting company with operations at locations and sites throughout the United States. In light of the size and geographic scope of its contracting operations, it is virtually impossible to identify any one specific time at which Defendant was "first advised" of threshold limit values or maximum allowable concentrations of dust. However, information obtained from available documents and current company employees indicates that Answering Defendant was aware of certain limits in the early 1970's. Answering Defendant further

states that its records are not maintained in a fashion that would enable it to make a more definitive response to this Interrogatory.

33.1 State whether this Defendant at any time conducted, caused to be conducted on any job site, or at any of Defendant's plants or buildings, any air sampling, dust counts, dust observations, dust sampling tests or other activities to determine air quality. If your answer is in the affirmative, please indicate:

- A. the date of any such air samples, tests, or activities;
- (B) by whom such activities were performed;
- (C) where such activities were performed;
- (D) the results of any such activities.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, this Interrogatory and its subparts is inapplicable to a contracting company like this Answering Defendant, which does not have "plants or buildings". By way of further response, to the extent this Interrogatory requests information on Plaintiff's job locations during the years of his employment, Answering Defendant's response is "no". By way of further response, Answering Defendant had no contracts at Plaintiff's job locations during the years of his employment.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (A) The date each such library was established;

- (B) The location of each library;
- (C) The name(s) of the librarian(s) since 1930;
- D. List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- A. List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant objects to this Interrogatory on the grounds that it is vague and ambiguous to the extent that the term "library" is undefined. Subject to and without waiver of the foregoing objections, Answering Defendant states that Brown & Root does not maintain such a library, as Answering Defendant understands that term.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that it asks Answering Defendant to speculate about the conduct of others. Subject to and without waiver of the above objections, Answering Defendant's records are not maintained in a manner that would allow it to respond to this Interrogatory.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of

Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER: See objections and response to Interrogatory No. 35, which are incorporated herein by reference.

36.1 Did you ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER: See objections and response to Interrogatory No. 35, which are incorporated herein by reference.

36.2 Did you ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER: See objections and response to Interrogatory No. 35, which are incorporated herein by reference.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "other manufacturers, miners, distributors and/or sellers of asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to these objections, and without admitting that these organizations published or disseminated to Answering Defendant documents or information relating to asbestos-containing products at any relevant time, Brown &

Root's safety department was, at various times, a member of the following organizations:
Associated General Contractors, Texas Safety Association, National Safety Council, and
Association of Builders and Contractors.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that it seeks information which is neither relevant nor likely to lead to the discovery of admissible evidence. Subject to and without waiver of the above objections, see objections and response to Interrogatory No. 37, which are incorporated herein by reference. By way of further response, this request is more properly directed to the organization in question.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (A) The title of each such article;
- B. The periodical in which each such article was published;
- A. The date each such article was published;
- B. A detailed explanation of the reason for withholding any such article for printing;
- C. Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER: See objections and response to Interrogatory No. 37 which are incorporated herein by reference. By way of further response, Answering Defendant states that Brown & Root's records were not maintained in such a manner which would enable it to provide a response.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER: See objections and response to Interrogatory No. 37 which are incorporated herein by reference. By way of further response, Answering Defendant states that Brown & Root's records were not maintained in such a manner which would enable it to provide a response.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (A) The name of each relevant product;
- (B) The wording of each such warning;
- (C) A description of each such printed material;
- D. The method used to distribute the warning to persons who are likely to use the products;
- A. The date each such warning was issued;
- B. Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- C. Please attach a copy of the warning and date said warning was issued;
- D. The name, address, and job classification of each person who presently has possession of the above-described documents;

- E. The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "your asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- F. The name and address of each person or entity who prepared same;
- A. The name, address and job title of each person who presently has possession of same;
- B. The date same was prepared;
- C. The media used to disseminate the sales material.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos products", on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and

without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A. If so, please state the following:

- A. The name, address and job classification of each person who prepared same;
- B. The name, address and job classification of each person who presently has possession of same;
- C. The dates and manner in which said material was distributed to purchasers of the products in answer to No. 5.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to the phrase "any written material of any kind" as vague, ambiguous and undefined. Answering Defendant further objects to this Interrogatory on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, not applicable; see objections and responses to Interrogatory No. 5, which are incorporated herein by reference.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- D. Identify the written material by content and date;
- (B) To whom was it delivered.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to the phrase "any written material of any kind" as vague, ambiguous and undefined. Answering Defendant further objects to this Interrogatory on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 9, which are incorporated herein by reference.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- A. The date that Defendant first determined that another product could be used in place of asbestos;
- A. The chemical of the substitute;
- B. Whether the substitute is suitable for the purpose for which they are to be used;
- C. Whether Defendant used the substitute for asbestos to 1971;
- D. Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory as confusing when directed towards a contractor such as Brown & Root and because it appears to be one more properly directed at manufacturers of asbestos-containing products. Subject to and without waiver of the foregoing objections, this

Interrogatory is inapplicable to a contracting company like this Answering Defendant.

Answering Defendant further states that Brown & Root relied on product manufacturers to act reasonably in this regard.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- A. Name of person most knowledgeable about this communication.
- B. Name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- (C) Dates of each communication.
- (D) Contents of each communication.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Brown & Root had a duty to provide such warnings during the relevant time period and is, therefore, argumentative. Subject to and without waiver of the above objections, and limiting this response to work at the Plaintiff's job locations during the years of his employment at those locations, Answering Defendant's response is "no". By way of further response, Answering Defendant had no contracts at Plaintiff's job locations during the years of his employment.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- E. A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;

- A. The disease alleged in each such claim;
- B. A brief summary of the disposition of each such claim; and
- C. The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it is prevented under Federal and State Privacy Laws from disclosing the identity of its employees who have brought Worker's Compensation claims. Subject to and without waiver of the above objections, Answering Defendant states that it has no knowledge or documents that indicate that any asbestos-related Worker's Compensation claims were made against it prior to 1980.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "cease manufacturing asbestos-containing products" renders this Interrogatory inapplicable to a contracting company like this Answering Defendant.

47.2 Has any person or company from which you purchased asbestos containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (A) the date of said recall;
- (B) the name of the company which issued the recall;
- (C) a copy of the recall.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it is unduly burdensome, and overly broad in time and scope to the extent that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein. Subject to and without waiver of the above objections, Answering Defendant is not a manufacturer or distributor of asbestos-containing products, and, therefore, this Interrogatory is not applicable to Answering Defendant.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "manufacture or production of

asbestos-containing products” renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant; this Interrogatory is more properly directed to manufacturers.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (A) describe such action;
- (B) state when such action was taken;
 - I. state what written material exists related to such action;
 - A. state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs’ use of the phrase “asbestos-containing products” on the grounds that its use mischaracterizes the nature and scope of Brown & Root’s business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, Answering Defendant states that its records are not maintained in such a fashion which would enable it to provide a response to this Interrogatory. By way of further response, Answering Defendant began an OSHA compliance program at the time the OSHA regulations became effective. As part of that program, it distributed various OSHA materials which will be produced by Answering Defendant and may be responsive to this Interrogatory.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (A) The name and address of each claimant;
- (B) The date of notice of each claim;
- (C) A description of the claim;
- (D) The type of injuries allegedly sustained;
- B. The name and address of each attorney representing the individuals making such claims;
- C. The style and court number of each such claim;
- D. The resolution of each claim.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "asbestos products manufactured, sold, installed, and/or distributed by Defendant" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

48.1 Describe the method by which you have maintained records concerning the manufacturer, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- A. each present and former company or corporate department, division or subdivision responsible for maintaining such records;

- B. the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- C. the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- D. the present location at which all such records are maintained;
- E. the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "manufacture, sale, supply, distribution, use, advertising, delivery and/or installation asbestos-containing products" renders this Interrogatory and its subparts inapplicable to this Answering Defendant, who is a contractor and not a manufacturer.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- E. the date and location of such destruction or discard;
- A. the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER: Answering Defendant objects to this request on the grounds that it suggests that Defendant has improperly destroyed any documents requested by Plaintiffs. Subject to and without waiving the foregoing objections, Answering Defendant's investigation is continuing and this response may be supplemented if necessary.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (A) Is there any kind of index for the documents?
- (B) How many pages is the index of documents?
- (C) How many documents are referred to in the index?
- B. Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- A. What manner of electronic format is used?

ANSWER: Answering Defendant objects to this Interrogatory and its subparts the grounds and to the extent that a response requires the disclosure of mental impressions, conclusions, opinions or legal theories of Answering Defendant's attorneys, all of which are protected by the Attorney-Work Product Doctrine. Answering Defendant further objects to this Interrogatory on the grounds that the phrase "which relate to matters relevant to all the preceding interrogatories" is vague, ambiguous and overly broad. Subject to and without waiver of the foregoing objection, Answering Defendant states that this Interrogatory is so vague, ambiguous and overly broad that Answering Defendant is unable to formulate a response.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (A) Is there any kind of index for the documents?

- (B) How many pages is the index of documents?
- (C) How many documents are referred to in the index?
- B. Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- A. What manner of electronic format is used?

ANSWER: See objections and response to Interrogatory No. 48.3, which are incorporated herein by reference.

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- A. list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds and to the extent it seeks discovery of witnesses beyond that permitted by the rules of civil procedure and/or is premature. Subject to and without waiver of the above objection, Answering Defendant will produce witness information at the time and in the manner required by applicable rules.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER: Not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- A The facts upon which you rely;

- B. The identity of the sources upon which you rely which substantiate these facts.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it is overly broad, vague, and ambiguous to the extent that it asks about unidentified "other substances". Answering Defendant further objects to this Interrogatory on the grounds that it seeks information beyond the knowledge of this Answering Defendant as Brown & Root had no contracts at Plaintiff's job locations during the years of his employment at those locations.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (A) When the respirator was sold;
- B. A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- A. The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- B. Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- C. List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it is vague and ambiguous in its application to a contracting company like Answering Defendant and appears to be more properly directed to a premises owner and/or product manufacturers. Answering

Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant had a duty to provide such equipment during the relevant time period and is, therefore, argumentative. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (A) Their identity, last known address;
- D. The subject matter on which the expert is expected to testify;
- A. The expert's specific conclusion and specific opinions and the specific basis therefore;
- B. The expert's qualifications to render the opinions set forth above;
- C. Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- D. Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- E. Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks discovery of experts beyond that which is permissible under the Rules of Civil Procedure. Subject to and without waiver of the foregoing objection, Answering Defendant states that it will identify its witnesses, both fact and expert, in accordance with the applicable Rules of Civil Procedure and any case management orders entered by this Court.

54. Please state the name and last know address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER: See objections and response to Interrogatory No. 53, which are incorporated herein by reference.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER: Answering Defendant does not contest the jurisdiction of the Court in this matter.

55.1 For each and every affirmative defense asserted in the answering Defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against Defendant state:

- A. the facts upon which the answering Defendant relies for each and every affirmative defense;
- B. each and every document which will be offered to prove each and every affirmative defense; and
- C. each and every witness who will testify in support of each and every affirmative defense.
- D. the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks disclosure of the mental impressions, conclusions, opinions or legal theories of Answering Defendant's attorneys. Subject to and without waiver of the foregoing objection, Answering Defendant reserves the right to supplement this response upon completion of all discovery.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- F. If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it is not limited to time periods or products relevant to Plaintiffs' claims and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it seeks documents or information concerning insurance beyond that permitted by the controlling rules of civil procedure. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it seeks information which is irrelevant, will be inadmissible at trial and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the above objections, Answering Defendant believes it has insurance and/or resources sufficient to meet any judgment that may be entered in this case.

56.1 Has Defendant ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- A. the case caption, court and date of filing of each case in which you have been involved;
- (B) whether you were plaintiff or Defendant;
- (C) a brief statement of the issues;
- B. identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;
- A. identify by deponent and date all individuals who were deposed in these cases;
- B. identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- C. identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER: See objections and response to Interrogatory No. 56, which are incorporated herein by reference.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER: Answering Defendant objects to this Interrogatory on the grounds that it is overly broad. Subject to and without waiver of the foregoing objection, Answering Defendant states that it will identify its witnesses in accordance with the applicable Rules of Civil Procedure and any relevant case management orders entered by this Court.

58. State the last date that this Defendant sold, distributed, manufactured, installed, used and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER: Answering Defendant objects to this Interrogatory and its subparts on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Interrogatory and its subparts on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce" renders this Interrogatory and its subparts inapplicable to a contracting company like this Answering Defendant.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph or picture of each asbestos-containing product that Defendant has ever mined, manufactured, sold, marketed, installed, and/or distributed.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request as confusing when directed toward a contractor such as Brown & Root and because it appears to be one more properly directed at manufacturers of asbestos-containing products. Subject to and without waiver of the above objections, Brown & Root is not aware of any responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 2:

Please produce a true and correct copy of each document which reflects sales of those products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it fails to identify with particularity the documents to be produced and is, therefore, unanswerable. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 3:

Please produce a true and correct copy of each document which reflects sales of Defendant's asbestos-containing products to companies that may have distributed, packaged, labeled, and/or sold Defendant's asbestos-containing products.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it fails to identify with particularity the documents to be produced and is, therefore, unanswerable. Subject to and without waiver of the above objections, the phrase "Defendant's asbestos-containing products" renders this Request inapplicable to a contracting company like this Answering Defendant, which did not manufacture "asbestos-containing products."

REQUEST FOR PRODUCTION NO. 4:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to any of the job sites listed on Exhibit A, attached hereto.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts and time periods at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver the above objections, the phrase "Defendant's asbestos-containing products" renders this Request inapplicable to a contracting company like this Answering Defendant. By way of further response, Brown

& Root had no contracts at the job locations listed in Exhibit "A" during the years of Plaintiff's employment at those sites.

REQUEST FOR PRODUCTION NO. 5:

Please produce a true and correct copy of each record and/or contract which reflects the sales of Defendant's asbestos-containing products to distributors and marketers who may have called on any of the job sites listed on Exhibit A, attached hereto.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts and time periods at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver the above objections, the phrase "Defendant's asbestos-containing products" renders this Request inapplicable to a contracting company like this Answering Defendant. By way of further response, Brown & Root had no contracts at the job locations listed in Exhibit "A" during the years of Plaintiff's employment at those sites.

REQUEST FOR PRODUCTION NO. 6:

Please produce a true and correct copy of each contract and/or work order that reflects contracts for Defendant to have asbestos-containing products installed or removed at any of the job sites listed on Exhibit A, attached hereto.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts and time periods at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the

phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver the above objections, and limiting this response to work at the Plaintiff's job locations during the years of his employment at those locations, Answering Defendant's response is "no". By way of further response, Answering Defendant had no contracts at Plaintiff's job locations during the years of his employment.

REQUEST FOR PRODUCTION NO. 7:

Please produce a true and correct copy of each work order and contract that reflects contract business between Defendant and any of the job sites listed on Exhibit A, attached hereto, for the application of asbestos-containing products.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts and time periods at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Subject to and without waiver the above objections, and limiting this response to work at the Plaintiff's job locations during the years of his employment at those locations, Answering Defendant's response is "no". By way of further response, Answering Defendant had no contracts at Plaintiff's job locations during the years of his employment.

REQUEST FOR PRODUCTION NO. 8:

Please produce a true and correct copy of each document relating to the design and preparation of the asbestos-containing products listed in Defendant's answer to Interrogatory No. 5.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts and time periods at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 9:

For each product listed in response to Interrogatory No. 5, please produce a copy of all tests that were conducted to determine any potential health hazards involved in its use or exposure (this request for production relates to Plaintiffs' Interrogatory No. 18 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it is not limited to "potential health hazards" associated with asbestos exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, not applicable; see objections and response to Interrogatory Nos. 5 and 18, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 10:

Please produce a true and correct copy of all documents relating to the testing of any product which Defendant listed in response to Interrogatory No. 5 (this request for production relates to Plaintiffs' Interrogatory No. 19 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it is not limited to "testing of products" associated with asbestos exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objection, not applicable; see objections and response to Interrogatory Nos. 5 and 19, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 11:

Please produce a true and correct copy of all tests which Defendant conducted and/or has in its possession to determine potential health hazards involved in the use of or exposure to asbestos products listed in response to Interrogatory No. 5 (this request for production relates to Plaintiffs' Interrogatory No. 21 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it is not limited to "potential health hazards" associated with asbestos exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objection, not applicable; see objections and response to Interrogatory Nos. 5 and 21, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 12:

Please produce a true and correct copy of all studies which Defendant conducted or caused to be conducted concerning the effects of the inhalation of asbestos dust and/or fibers in workers or other persons using, working with and/or around, installing and/or applying any of the asbestos products mined, manufactured, sold, distributed, marketed, installed and/or relabelled for distribution by Defendant or Defendant's predecessor (this request for production relates to Plaintiffs' Interrogatory No. 22 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that its use of phrase "asbestos products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely the Answering Defendant manufactured asbestos products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "any of the asbestos products mined, manufactured, sold, distributed, marketed, installed and/or relabelled for distribution by Defendant" renders this Request inapplicable to a contracting company like this Answering Defendant. By way of further response, see objections and response to Interrogatory No. 22, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 13:

Please produce a true and correct copy of all documents relating to any studies made or caused to be made by Defendant, to determine whether the asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant or Defendant's predecessor would be hazardous to people (this request for production relates to Plaintiffs' Interrogatory No. 23 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that its use of phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely the Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above

objections, the phrase "asbestos-containing products mined, manufactured, sold, marketed, installed or distributed by Defendant" renders this Request inapplicable to a contracting company this Answering Defendant. By way of further response, see objections and response to Interrogatory No. 23, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 14:

Please produce a true and correct copy of all tests in the field which Defendant conducted or caused to be conducted to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees or other workers removing and/or tearing out asbestos-containing products (this request for production relates to Plaintiffs' Interrogatory No. 24 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that its use of phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely the Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, this Request is inapplicable to a contracting company like this Answering Defendant. By way of further response, see objections and response to Interrogatory No. 24, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 15:

Please produce a true and correct copy of each test which Defendant conducted or caused to be conducted regarding the quantity, quality, or threshold limit value of asbestos dust, fibers, and/or particles to which workers were exposed while using, working with and/or around, installing and/or applying Defendant's asbestos-containing products (this request for production relates to Plaintiffs' Interrogatory No. 31 propounded to Defendant in this litigation).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request as confusing when directed toward a contractor such as Brown & Root and because it appears to be one more properly directed at manufacturers of asbestos-containing products. Subject to and without waiver of the foregoing objections, this Request is inapplicable to a contracting company like this Answering Defendant, who was a contractor and not a manufacturer. Answering Defendant further states that Brown & Root relied on product manufacturers to act reasonably in this regard. By way of further response, see objections and response to Interrogatory No. 25, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 16:

For each product listed in response to Interrogatory No. 5, please produce a true and correct copy of all promotional or sales material including, but not limited to, brochures, pamphlets, catalogs, packaging, or other written materials of any kind or character.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to the phrase "other written materials" as vague, ambiguous and undefined. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely the Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory No. 5, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 17:

Please produce a true and correct copy of all warnings, cautions, caveats or directions concerning the possible health effects of the products listed in response to Interrogatory No. 5 (this request for production relates to Plaintiffs' Interrogatory No. 41 propounded to Defendant).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Brown & Root had a duty to provide such warnings during the relevant time period and is, therefore, argumentative.

Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory Nos. 5 and 41, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 18:

Please produce a true and correct copy of all written materials prepared by Defendant or Defendant's predecessors or any of Defendant's subsidiaries indicating how the products listed in response to Interrogatory No. 5 should be used or maintained by the ultimate user (this request for production relates to Plaintiffs' Interrogatory No. 43 propounded to Defendant).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to the phrase "all written materials" as vague, ambiguous and undefined. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely the Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, not applicable; see objections and response to Interrogatory Nos. 5 and 43, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 19:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold, marketed, installed, or distributed by Defendant (this request for production relates to Plaintiffs' Interrogatory No. 48 propounded to Defendant).

RESPONSE: Answering Defendant objects to this Interrogatory on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Interrogatory on the grounds that the term "notices" renders it vague and ambiguous and may require a legal conclusion. Answering Defendant further objects to this Interrogatory on the grounds that it seeks, in part, information which is neither relevant nor likely to lead to the discovery of admissible evidence. Answering Defendant further objects to this Interrogatory on the grounds that it is prevented under Federal and State privacy laws from disclosing the identity of its employees who have brought worker's compensation claims. Subject to and without waiver of the above objections, Answering Defendant states that it has no knowledge or documents that indicate that any asbestos-related workers compensation claims were made against it prior to 1980. By way of further response, see objections and response to Interrogatory No. 48, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 20:

Please produce a true and correct copy of statements from all people with knowledge of relevant facts to this lawsuit.

RESPONSE: Defendant objects to this Request on the grounds that it is so overly broad as to defy any response.

REQUEST FOR PRODUCTION NO. 21:

Please produce a true and correct copy of all documents which mention, allude or refer to tests performed on breathing devices to prevent the inhalation of asbestos dust and/or fibers (this request for production relates to Plaintiffs' Interrogatory No. 52 propounded to Defendant).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it is vague and ambiguous in its application to a contracting company like Answering Defendant and appears to be more properly directed to a premises owner. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant had a duty to perform such tests during the relevant time period and is, therefore, argumentative. Subject to and without waiver of the above objections, Answering Defendant believes that it provided its employees with the safety equipment mandated by the then current regulations and industry standards current during the applicable period. By way of further response, see objections and response to Interrogatory No. 52, which are incorporated herein by reference.

REQUEST FOR PRODUCTION NO. 22:

Please produce a true and correct copy of all reports by experts that Defendant may call upon at the trial of this case (this request for production relates to Plaintiffs' Interrogatory No. 53 propounded to Defendant).

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

discovery of experts beyond that which is permissible under the Rules of Civil Procedure. Subject to and without waiver of the foregoing objection, Answering Defendant states that it will identify its witnesses, both fact and expert, in accordance with the applicable Rules of Civil Procedure and any case management orders entered by this Court.

REQUEST FOR PRODUCTION NO. 23:

Please produce a true and correct copy of all policies of insurance under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to time periods or products relevant to Plaintiffs' claims and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds that it seeks documents or information concerning insurance beyond that permitted by the controlling rules of civil procedure. Answering Defendant further objects to this Request on the grounds that it seeks information which is irrelevant, will be inadmissible at trial and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the above objections, Answering Defendant believes it has insurance and/or resources sufficient to meet any judgment that may be entered in this case.

REQUEST FOR PRODUCTION NO. 24:

Please produce a true and correct copy of all notices received by Defendant prior to 1968 that any person was claiming an injury as a result of using asbestos-containing products, regardless of the manufacturer or seller of the products.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Answering Defendant further objects to this Request on the grounds that

it is so vague and ambiguous and so fails to identify with particularity that no response is possible.

REQUEST FOR PRODUCTION NO. 25:

Please produce a true and correct copy of all documents, correspondence or communications pertaining to all marketing, sales, negotiations, delivery or distribution of all of your asbestos-containing or industrial insulation products to all Defendants to this lawsuit other than the answering Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "your asbestos-containing or industrial insulation products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "marketing, sales, negotiations, delivery or distribution of your asbestos-containing or industrial insulation products" renders this Request inapplicable to a contracting company like this Answering Defendant, which did not manufacture asbestos-containing products.

REQUEST FOR PRODUCTION NO. 26:

Please produce a true and correct copy of all documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos-containing products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time period and locations at issue herein and is, therefore, overly broad. Answering Defendant further objects to Plaintiffs' use of the phrase "your asbestos-containing products" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Answering Defendant further objects to this Request on the grounds that it is so vague and ambiguous and so fails to identify with particularity that no response is possible.

REQUEST FOR PRODUCTION NO. 27:

Please produce a true and correct copy of all annual reports of this Defendant to employees or stock holders for the years 1960 through 1969 and for the past five years.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is as overly

broad, unduly burdensome and not likely to lead to discovery of any evidence admissible in this case. Answering Defendant's finances and earnings have absolutely no relevance to the claims and defenses in this case, which are based on events that allegedly occurred some time ago. Answering Defendant further objects that there is no serious issue in this case of Answering Defendant's ability to satisfy a judgment, if any, that may be entered against it on Plaintiffs' claims, nor has any evidence been produced in discovery or otherwise to support Plaintiffs' claims for punitive damages. Therefore, this discovery is premature and made for the purpose of intimidation, harassment and embarrassment of Answering Defendant.

REQUEST FOR PRODUCTION NO. 28:

Please produce the originals or true and correct copies of all safety or health manuals, pamphlets or brochures issued by this Defendant between 1930 and the present and any documents relating to whom said manuals were issued.

RESPONSE: Answering Defendant objects to this Request in that it is unduly burdensome, overly broad and not reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein. Answering Defendant further objects to this Request on the grounds that the phrase "any documents relating to whom said materials were issued" renders it vague and ambiguous. Answering Defendant further objects to this Request on the grounds that it is not limited to time periods relevant to Plaintiffs' claims and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds and to the extent that it seeks documents or information which is irrelevant, will be inadmissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, and limiting this response to the time periods and locations at issue, Brown & Root had no contracts at Plaintiff's job locations during the years of his employment at those locations. Answering Defendant is, therefore, unable to produce a manual which would have been in use at that time and location.

REQUEST FOR PRODUCTION NO. 29:

Please produce a true and correct copy of all safe workplace practices manuals, pamphlets or brochures issued by this Defendant from 1900 through the present.

RESPONSE: Answering Defendant objects to this Request in that it is unduly burdensome, overly broad and not reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information and documents which are not limited to the facts, time periods and locations at issue herein. Answering Defendant objects to this Request on the grounds that the phrase "safe workplace practice manuals" renders it vague and

ambiguous. Answering Defendant further objects to this Request on the grounds and to the extent that it seeks documents or information which is irrelevant, will be inadmissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objection, and limiting this response to the time periods and locations at issue, Brown & Root had no contracts at Plaintiff's job locations during the years of his employment at those locations. Answering Defendant is, therefore, unable to produce a manual which would have been in use at that time and location.

REQUEST FOR PRODUCTION NO. 30:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Industrial Health Foundation or the Industrial Hygiene Foundation in the custody, possession or control of this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to time periods relevant to Plaintiffs' claims and is, therefore, overly broad. Answering Defendant further objects to this Request on the grounds and to the extent that it seeks documents or information which is irrelevant, will be inadmissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Answering Defendant states that Brown & Root's records were not maintained in such a manner which would enable it to provide a response.

REQUEST FOR PRODUCTION NO. 31:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Trudeau Institute and Saranac Lake Laboratory in the custody, possession or control of this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein

and is, therefore, overly broad. Subject to and without waiver of the above objections, Answering Defendant's records are not maintained in a manner that would allow it to respond to this Request. By way of further response, Answering Defendant states that it is unaware of any documents responsive to this Request in its possession, custody and control.

REQUEST FOR PRODUCTION NO. 32:

Please produce a true and correct copy of all documents referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA) in the custody, possession or control of this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, the Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 33:

Please produce a true and correct copy of all documents referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA) in the custody, possession or control of this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, the Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 34:

Please produce a true and correct copy of all documents

referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA) in the custody, possession or control of this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, the Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 35:

Please produce a true and correct copy of all documents relating to any conference(s), symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning: asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; industrial hygiene; and/or worker or workplace health or safety.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Answering Defendant objects to this Request on the grounds that the phrase "conference(s), symposia, or meetings" is vague and ambiguous and fails to identify with particularity the documents to be produced. Subject to and without waiver of the foregoing objections, and limiting to the time period at issue, Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 36:

Please produce a true and correct copy of all documents to and/or from this Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos exposure.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, the Answering Defendant states that Brown & Root's records were not maintained in such a manner which would enable it to provide a response.

REQUEST FOR PRODUCTION NO. 37:

Please produce a true and correct copy of all documents to and/or from this Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is not limited to the time period relevant to plaintiff's claims, nor is it limited to products to which plaintiff alleges occupational exposure and is, therefore, overly broad. Subject to and without waiver of the foregoing objections, the Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 38:

Please produce a true and correct copy of all documents to and/or from this Defendant involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, broad. Subject to and without waiver of the above objections, Answering Defendant states that its records are not maintained in a fashion that would enable it to respond to this Request. Answering Defendant further states that the

individual who currently acts in a medical advisory capacity is Robert Conte, M.D., c/o Kellogg Brown & Root, Houston, Texas.

REQUEST FOR PRODUCTION NO. 39:

Please produce a true and correct copy of all photographs, pictures, prints or any visual depiction at any time generated showing workers or any person or persons installing, applying, removing or in any manner handling or utilizing an asbestos-containing product at any time manufacture(sic), sold or distributed by this Defendant.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, broad. Answering Defendant objects to this Request on the grounds that the phrase "asbestos-containing product" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "asbestos-containing product at any time manufactured, sold or distributed by Defendant" renders this Request inapplicable to a contracting company like this Answering Defendant.

REQUEST FOR PRODUCTION NO. 40:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by this Defendant of any asbestos-containing product manufacturing facility or asbestos-containing product or product line.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks information which is not limited to the facts, time periods and locations at issue herein and is, therefore, broad. Answering Defendant objects to this Request on the grounds

that the phrase "asbestos-containing product manufacturing facility" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Subject to and without waiver of the above objections, the phrase "acquisition, purchase or sale by Defendant of any asbestos-containing product manufacturing facility" renders this Request inapplicable to a contracting company like this Answering Defendant.

REQUEST FOR PRODUCTION NO. 41:

Please produce a true and correct copy of all documents pertaining to the acquisition, purchase or sale by this Defendant of any asbestos-containing product from any other defendant in this case or to any other defendant in this case.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks

information which is not limited to the facts, time periods and locations at issue herein and is, therefore, broad. Answering Defendant objects to this Request on the grounds that the phrase "asbestos-containing product" on the grounds that its use mischaracterizes the nature and scope of Brown & Root's business. Answering Defendant further objects to this Request on the grounds that it assumes facts in dispute, namely that Answering Defendant manufactured asbestos-containing products, which it denies and is, therefore, argumentative. Answering Defendant further objects to this Request on the grounds that the terms "acquisition", "purchase" and "sale" as used in the context of this Request render this Request so vague, ambiguous and unintelligible that Answering Defendant is unable to respond.

REQUEST FOR PRODUCTION NO. 42:

For each and every affirmative defense asserted in the

answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant produce each and every document which will be offered to prove each and every affirmative defense. For each and every allegation of the answering defendant in Cross-Claim(s) asserted by the defendant in this litigation produce each and every document which will be offered to prove each and every allegation in defendant's Cross-Claim(s).

RESPONSE: Answering Defendant objects to this Request on the grounds that it improperly attempts to shift the burden of proving causation and damages from the Plaintiffs to Answering Defendant and to the extent that it calls for legal conclusions. Answering Defendant further objects to this Request on the grounds that it seeks information and documents protected from disclosure by the attorney-client privilege and/or the Attorney Work Product Doctrine pursuant to applicable rules of civil procedure. Subject to and without waiver of the above objections, Answering Defendant states that it will identify its trial exhibits in accordance with the applicable rules of civil procedure and any relevant case management orders entered by this Court.

REQUEST FOR PRODUCTION NO. 43:

Please produce a true and correct copy of every transcript of testimony of each witness this Defendant intends to call at trial.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is premature to the extent it seeks discovery of witnesses beyond that permitted by the rules of civil procedure and/or is premature. Answering Defendant states that it will identify its witnesses in accordance with the applicable rules of civil procedure and any relevant case management orders entered by this Court. At that time, Answering Defendant will identify any document which may be responsive to this Request.

REQUEST FOR PRODUCTION NO. 44:

Please produce a true and correct copy of each and every medical record in the custody, possession or control of the Defendant relating to the Plaintiffs in this case other than those medical records produced by the Plaintiffs and provided to the Defendants in this case.

RESPONSE: Answering Defendant states that it is unaware of any such documents responsive to this Request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 45:

Please produce a true and correct copy of each and every document or other tangible item upon which the Defendant will rely for impeachment or rebuttal purposes in the trial of this matter.

RESPONSE: Answering Defendant objects to this Request on the grounds that it seeks discovery beyond that which is permissible under the rules of civil procedure. Subject to and without waiver of the foregoing objection, Answering Defendant states that it will identify its trial exhibits in accordance with the applicable rules of civil procedure and any relevant case management orders entered by this Court. Answering Defendant further states that it will identify documents responsive to this Request if and when it discovers that it has grounds for and/or reasons for impeachment or rebuttal.

REQUEST FOR PRODUCTION NO. 46:

Please produce a true and correct copy of each and every document, recording or other tangible item that constitutes in whole or in part a statement by the Plaintiffs or a statement by any of Plaintiffs' witnesses in this matter.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is so overly broad, vague and ambiguous as to defy any response.

REQUEST FOR PRODUCTION NO. 47:

Please produce a true and correct copy of each and every photograph, videotape recording or other tangible item that is a photographic representation of the Plaintiffs in this matter.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is vague and ambiguous. Subject to and without waiver of the foregoing objection, Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 48:

Please produce a true and correct copy of all work records or other tangible items relating to the Plaintiffs or their employers.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is vague and ambiguous. Subject to and without waiver of the foregoing objection, Answering Defendant states that it is unaware of any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 49:

Please produce a true and correct copy of every transcript, affidavit or sworn statement by each and every witness called by this defendant in any litigation related to insurance that may cover the claims in this case.

RESPONSE: Answering Defendant objects to this Request on the ground that the phrase "any litigation related to insurance" renders it overly broad. Answering Defendant further objects to this Request on the grounds that it seeks documents or information which are irrelevant, will be inadmissible at trial, and are not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 50:

For each document for which any privilege is asserted produce an index containing the following information:

- (A) Author of document;

- (B) Position, title or affiliation of author;
- (C) Date of document;
- (D) Each recipient of the document;
- (E) Position, title or affiliation of each recipient of the document;
- A. The subject matter of the document with sufficient specificity to determine the matters discussed therein; and
- B. The privilege(s) asserted.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is overly broad, vague, and ambiguous and that it seeks documents or information which are irrelevant, will be inadmissible at trial, and are not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, Answering Defendant states that, because of the generally vague, ambiguous, overly broad and, in some instances, unduly burdensome nature of plaintiffs' discovery requests herein, it has not identified any specific documents for which a privilege is asserted. Consequently, there is no such index.

REQUEST FOR PRODUCTION NO. 51:

If this Defendant claims that the documents are too voluminous to produce as requested, provide the following:

- D. The numerical amount of documents responsive to requests herein;
- A. The method of storage of documents responsive to requests herein;
- B. The method of organization of documents responsive to requests herein;
- C. The location of documents responsive to requests herein;
- D. Whether there is an index or indices, lists, inventories, or other such information for records responsive to requests herein;

- E. If there is an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is printed, or electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.).
- F. If the index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein is electronically stored, (i.e. listed in a computer, imaged, part of a database, etc.), the method of such storage and software used to create and/or maintain said an index, indices, lists, inventories or other such information for records responsive to requests herein, whether such index, indices, lists, inventories or other such information for records responsive herein.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is overly broad, vague, and ambiguous and that it seeks documents or information which is irrelevant, will be inadmissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence.

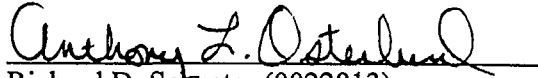
REQUEST FOR PRODUCTION NO. 52:

If any answer to requests herein is subject to an ongoing investigation or continuing discovery, provide the following information:

- G. The person or persons responsible for the ongoing investigation or continuing discovery;
- A. The means or methods used or being used for the ongoing investigation or continuing discovery;
- B. The beginning date of such ongoing investigation or continuing discovery.

RESPONSE: Answering Defendant objects to this Request on the grounds that it is overly broad, vague, and ambiguous and that it seeks documents or information which are irrelevant, will be inadmissible at trial, and are not reasonably calculated to lead to the discovery of admissible evidence.

As to objections,



Richard D. Schuster (0022813)

Anthony L. Osterlund (0071086)

Vorys, Sater, Seymour & Pease LLP

52 East Gay Street, P.O. Box 1008

Columbus, Ohio 43216-1008

P: 614.464.6400

Attorneys for Defendant

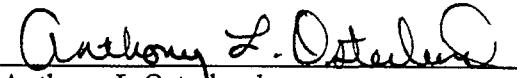
Kellogg Brown & Root, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon

Ladd R. Gibke, Esq., Baron & Budd, The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas

TX 75219-4281, via U.S. Mail this 21st day of October, 2002.



Anthony L Osterlund

OCT. 23. 02 *067675

Vorys, Sater, Seymour and Pease LLP

Suite 2100 • Atrium Two • 221 E. Fourth Street • Post Office Box 0236 • Cincinnati, Ohio 45201-0236 • Telephone (513) 723-4000 • Facsimile (513) 723-4056

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Facsimile (513) 852-7830
E-Mail - ALOsterlund@vsssp.com

October 21, 2002

VIA U.S. MAIL

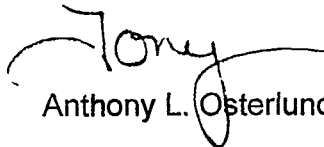
Ladd R. Gibke, Esq.
Baron & Budd, PC
3102 Oak Lawn Ave., Suite 1100
Dallas, TX 75219-4281

Re: Gene Leroy Johnson, et al. v. A-Best Products, et al.
Cuyahoga County Court of Common Pleas, Case No. 468662

Dear Ladd:

Enclosed please find Objections and Responses of Defendant, Kellogg Brown & Root, Inc. To Plaintiffs' Interrogatories and Requests for Production of Documents in the above-referenced matter. A Verification Page will separately follow. Please let us know if you have any questions.

Very truly yours,


Anthony L. Osterlund

ALO/cbm

cc: Lisa Oliver