

CAUSE NO. 98-1338

MARY HERMOSILLO, Individually and §
 as Personal Representative of the §
 Heirs and Estate of EDMUNDO I. §
 HERMOSILLO, Deceased §

VS.

OWENS CORNING, ET AL

IN THE COUNTY COURT OF
 §
 §
 §
 §
 §
 §
 §
 EL PASO COUNTY, TEXAS
 COUNTY COURT AT LAW
 NO. 2

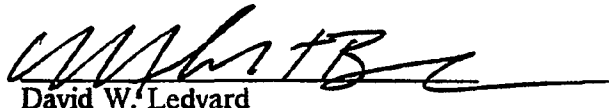
**CHEVRON U.S.A. INC.'S SUPPLEMENTAL RESPONSES
 TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

TO: MARY HERMOSILLO, by and through her attorney of record, Ms. Alicia J. Haff,
 BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A. INC., Defendant herein, and makes and files this
 its Supplemental Response to Plaintiff's First Set of Interrogatories.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
 BISSELL & LEDYARD, L.L.P.



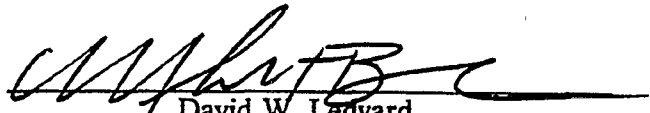
David W. Ledyard
 State Bar No. 12109400
 Michael T. Bridwell
 State Bar No. 02979600
 14th Floor, San Jacinto Building

Beaumont, Texas 77701-3255
 (409)981-1000
 FAX(409)981-1010

ATTORNEYS FOR DEFENDANT,
 CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Chevron U.S.A. Inc.'s Answers to Plaintiffs' First Set of Interrogatories and Request for Production is being furnished to Plaintiffs' counsel by Federal Express, and to all other counsel of record by regular mail, on this the 6 day of October, 1998.


David W. Ledyard

NOTICE REGARDING APPLICABILITY OF OBJECTIONS

The following objections apply to each and every interrogatory and request for production which includes or utilizes any term, definition, phrase or instruction to which any objection is made.

Any response to any request for production or interrogatory is made subject to each and every applicable objection and without waiving any such objection. Any responses likewise are made subject to and without waiving any individual objection made specifically to the interrogatory or request for production for which the response is offered.

OBJECTIONS

A. OBJECTIONS TO DISCOVERY

1. Defendant objects to Plaintiff's First Set of Interrogatories and Request for Production in their entirety because they were served at a time in direct contravention of Standing Order No. 1 for asbestos litigation in the District Courts and County Courts at Law of El Paso County, Texas. Plaintiff served the subject discovery on or about June 30, 1998 at a time when Standing Order No. 1 prohibited such interrogatories being served and responses being required without leave of court after hearing. See Paragraph No. 14 of Standing Order No. 1.
2. Defendant objects to Plaintiff's Interrogatories and Request for Production as they are overly broad, over burdensome and harassing given that Plaintiff's have not yet adequately specified the work history of Edmundo Hermosillo. Specifically, Defendants would show that Standing Order No. 1 includes master discovery propounded to the plaintiff which provide that the Plaintiff is to detail the applicable employment history including, the dates when the decedent worked for each employer, the location and description of each job site where the decedent was employed, the dates the decedent worked at each such job site, the wage rate for each job site where asbestos exposure is claimed, each job site where the Plaintiff claims the decedent was exposed to asbestos, the dates when it is claimed decedent was exposed to asbestos and the name, business address, home address, relationship to Plaintiff and present occupation of each and every witness that has knowledge of fact relevant to any time that Plaintiff claims that the decedent was exposed to asbestos containing products. The information provided by Plaintiffs did not (and still does not) comport with the requirements of Standing Order No. 1 and accordingly, Plaintiffs have not provided sufficient information to establish presence of the decedents on Defendant's premises such that discovery to Defendant is justified.
3. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek documents or information protected by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, the witness statement privilege, or any other applicable

privilege or immunity from discovery provided by Texas Rule of Civil Procedure 166b(3), the Texas Rules of Civil Evidence, and/or the common law. At the appropriate time, Defendant will satisfy its burden of establishing the privileged status of any information, document, or category of documents withheld on grounds of privilege, including, if necessary, by producing such documents for in camera inspection by the Court.

4. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek documents or information not in the possession, custody, or control of Defendant. Such requests seek documents or information (i) not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence and (ii) outside the scope of permissible discovery.
5. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information or documents outside the relevant time period. Plaintiff's requests and interrogatories span more than any possible period of time during which Mr. Hermosillo could have been employed at the facility in question and thus are overly broad, unduly burdensome, harassing, and call for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
6. Defendant objects to Plaintiff's interrogatories and document requests to the extent they seek information or documents pertaining to injuries or human health effects which are not reasonably similar to those alleged by Plaintiff in this lawsuit, and therefore not relevant to any issue in this lawsuit.
7. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek to require production of information which is equally available to the Plaintiff as to Defendant.
8. Defendant objects to the whole of Plaintiff's discovery requests as so overly broad and overburdensome that Plaintiff's discovery constitutes harassment. This suit involves a person employed by a finite number of employers at a finite number of locations during specific years (albeit yet unidentified specifically by Plaintiffs). Plaintiff's claim is that decedent was exposed to asbestos containing produces on Defendant's premises during the course and scope of his employment with various known employers. Plaintiffs should be seeking production of records and information relevant to issues raised by that particular fact situation. Plaintiff's attempts to expand discovery to include information regarding irrelevant time periods and irrelevant materials produced at irrelevant locations by irrelevant persons or entities constitutes an impermissible abuse of the discovery rules and general misuse of the laws of the State of Texas.
9. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information regarding trade secrets, confidential data, or other proprietary information.

10. Defendant objects to Plaintiff's interrogatories and document requests to the extent that they seek information that is not within the known personal knowledge of Defendant or its current employees.
11. Defendant objects to any of Plaintiff's interrogatories and document requests which seek information regarding entities other than Defendant. Such interrogatories and requests are overly broad, unduly burdensome and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
12. Defendant objects to any of Plaintiff's interrogatories or document requests which seek information on any facility than its El Paso, Texas facility. Such interrogatories and requests are overly broad, unduly burdensome, and seek information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the attorney work product privilege and attorney/client privilege in violation of Rule 166b(3) (a) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are intended to include predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate defendant, any interrogatory or request for production utilizing these terms is so overly broad, and over burdensome as to make any request or interrogatory utilizing the term virtually impossible to answer. Further, to the extent the definition is intended to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, any interrogatory or request for production utilizing any of these terms is necessarily overly broad, over burdensome and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiffs apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer have dominion or control. Any interrogatory or request for production utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.
2. Defendant objects to Plaintiff's definition of the terms "document", "documents", "written materials", or "printed matters" as the definition of those terms renders any interrogatory or request for production utilizing any of these terms overly broad, over burdensome, harassing, and reduces any such interrogatory or request for production to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of

material or information which is neither relevant nor reasonably calculated to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.

3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.
4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.
5. Defendant objects to Plaintiff's definition of the term "medical advisory capacity" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
6. Defendant objects to Plaintiff's definition of the terms "medical department" and "safety department" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
7. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any interrogatory or request for production utilizing these terms is vague and ambiguous in that issues exists and minds differ with respect to impairments or disabilities and their associations with exposures to asbestos dust and fibers, if any.

**DEFENDANT'S SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S INTERROGATORIES**

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant specifically objects to this interrogatory as it invades the discovery exemptions afforded by the attorney work product privilege, the attorney/client privilege and the party communication privilege all of which are embodied in Rule 166b (3) (a), (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant further objects to this interrogatory in that this type of interrogatory is more appropriately directed to a natural person. Defendant is a corporation. Defendant further objects to this interrogatory because it calls for answers in excess of thirty interrogatories. Defendant further objects to this interrogatory as being overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, the interrogatories to which this question applies are, for the most part, interrogatories to which no one person has a precise answer. Interrogatories inquiring about expert witnesses and settlement agreements are answered by counsel. Most of the remaining questions require that a conclusion be reached from looking at documents or talking to various and sundry people, both within this Defendant's organization and without. Answers given to these interrogatories are based on the best information which is available to counsel upon reasonable inquiry, at the time the answers are given. Defendant's answers are accordingly based upon the best information which is available to Defendant and Defendant's counsel upon reasonable inquiry.

The interrogatories are being executed by C. R. Farber, Chevron U.S.A., Inc., P.O. Box 7643, San Francisco, California 94120-7643.

INTERROGATORY NO. 2:

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

person is or has been an employee of Defendant, please state the years of employment and the person's employment positions.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to that portion of this interrogatory which purports to place a burden upon Defendant to describe particular facts within the knowledge of any particular person and about which such person could be expected to testify if called as a witness. Such an inquiry invades the privilege afforded attorney work product by Rule 166b (3)(a) of the Texas Rules of Civil Procedure and further places a burden upon Defendant in excess of that which is required by the Texas Rules of Civil Procedure. As such, the interrogatory is overly broad and over burdensome. Defendant further objects to this interrogatory as overly broad, over burdensome, vague, ambiguous and harassing given Plaintiff's definition of the term "Defendant".

Without waiving the foregoing:

Mary Hermosillo
2600 Mountain Avenue
El Paso, Texas 79930
(915) 562-7146

Manuel R. Diaz
8075 Meraz Avenue
El Paso, Texas 79907
(915) 598-1065

Bernardino Burciaga
209 Baywood Drive
El Paso, Texas 79915
(915) 772-7988

Ramon Baeza
157 Riverside Drive
El Paso, Texas 79915
(915) 772-7762

Ralph Edward Armendariz
9550 Dyer, #2134
El Paso, Texas 79924
(915) 759-7017
(915) 581-2952

Arturo Avila
12408 Gage Road
Clint, Texas 79836
(915) 851-5514
(915) 772-5751

Samuel A. Diaz
4824 Chisos Lane
El Paso, Texas 79904
(915) 751-0482

Pedro S. Montes, Jr.
8065 Bowen
El Paso, Texas 79907
(915) 858-6466

Roberto Bustamante
7132 Banana Tree Lane
El Paso, Texas 79915
(915) 772-2897

George Richard Harbison
5117 Yucca Place
El Paso, Texas 79932
(915) 585-3427
(915) 581-4427

Arturo Arriaga
1408 Adolph Carson
El Paso, Texas 79936
(915) 857-6590

J. Leroy Balzer, Ph.D.
408 Horse Trail Court
Alamo, California 94507
(510) 274-0826

Custodian of Records
Selle Insulation Company
7344 Stiles Dr.
El Paso, Texas
(915) 772-8525

Custodian of Records
AFL-CIO
Local 76
Albuquerque, New Mexico

Tony Solis
Safety Engineer
3/98 to present
El Paso Refinery
6501 Trowbridge
El Paso, Texas 79905
(915) 775-3411

Hans Fields
El Paso Refinery
Safety Engineer
9/86 - 3/98
6501 Trowbridge
El Paso, Texas 79905
(915) 775-3411

Eric Bailey
El Paso Refinery
Safety Engineer
1985 - 1986
6501 Trowbridge
El Paso, Texas 79905
(915) 775-3411

John Driscoll
c/o El Paso Refinery
Safety Engineer
1983 - 1984
6501 Trowbridge
El Paso, Texas 79905
(915) 775-3411

Wayne Hollebeke
El Paso Refinery
Safety Engineer
1963 - 1983
Las Cruces, New Mexico
(505) 522- 9094

Lee Lehman
El Paso Refinery
Operations
Supervisor and Compliance Specialist
1951 - 1991
El Paso, Texas
(915) 591-3551

Tom Mansfield
El Paso Refinery
Maintenance Helper
Inspection Department and
Design Engineering
1957 - 1992
El Paso, Texas
(915) 592-4370

Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 3:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the terms "you" and "Defendant" and because Plaintiff has not identified those specific times, if any, that Plaintiff worked or was present at the premises in question. This interrogatory therefore asks for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, the El Paso Refinery opened in approximately 1927 as PASOTEX. PASOTEX was a Delaware corporation which was one hundred percent owned by the California Company, a California corporation. In July of 1935, PASOTEX changed its name to Standard Oil of Texas which was merged into the California company in December of 1960. At that time the company's name was changed to California Oil Company. California Oil Company's name was changed

to Chevron Oil Company effective July 1, 1965. The name of Chevron Oil Company was changed to Chevron U.S.A., Inc. effective January 1, 1977. Chevron U.S.A. Inc., a California Corporation, was merged into Gulf Oil Corporation, a Pennsylvania Corporation, on July 1, 1985. On the same date, Gulf Oil Corporation changed its name to Chevron U.S.A., Inc., a wholly owned subsidiary of Chevron Corporation. Chevron Products Company is a division of Chevron U.S.A. Inc. and is the current operator of the El Paso Refinery.

INTERROGATORY NO. 4:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the term "you".

Without waiving the foregoing, Defendant's proper name is Chevron U.S.A. Inc. Defendant does not contend that there has been any misnomer used by Plaintiff. Defendant has been improperly sued as Defendant breached no legal duty owed to Edmundo Hermosillo in connection with any of the incidents made the basis of this suit.

INTERROGATORY NO. 5:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague and ambiguous given Plaintiff's definition of the term "you".

Without waiving the foregoing, Defendant contends that it is not liable in this case because Defendant breached no legal duty owed to Edmundo Hermosillo in connection with any of the incidents made the basis of this suit.

INTERROGATORY NO. 6:

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

ANSWER:

In addition to all previous objections which are incorporate herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and that it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to any applicable time period. Defendant further objects to this interrogatory as vague and ambiguous given Plaintiff's definition of the term "Defendant". Defendant further objects to this interrogatory to the extent it seeks information which may be confidential, privileged or private to other persons who are otherwise protected from disclosure.

The refinery is not believed to have conducted such programs on Selle contract employees during the period between 1940 and 1977. The El Paso Refinery used outside contractor physicians for employee physicals.

Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 7:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as vague and ambiguous given Plaintiff's definition of the term "Defendant". Defendant further objects to this interrogatory as it is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence because the interrogatory is not limited to the applicable time periods (which have yet to be provided by plaintiffs) nor in scope to the premises made the basis of this action.

Without waiving the foregoing, the El Paso Refinery did not maintain a medical

department between 1940 and 1977. The El Paso Refinery used outside contractor physicians during this time. The corporate medical director in the 1940s, 1950s and 1960s was Dr. Lee Curtis (now deceased). Dr. Gordon Richmond was the corporate Chevron medical director from 1970 up to, and beyond, 1977.

INTERROGATORY NO. 8:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is vague, ambiguous, overly broad and over burdensome given Plaintiff's definition of the term "you". Defendant further objects to this interrogatory as overly broad, over burdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence given that the term "safety equipment" is nowhere defined and necessarily therefore includes equipment which is in no way relevant to Plaintiff's claims. Defendant further objects to this interrogatory as it is not limited to any applicable time period nor in scope to any applicable unit, work site or to contractors.

Without waiving the foregoing, contractors were required to provide their own safety equipment. However, based on information presently available, it appears that if a contractor determined he was without a piece of safety equipment, the refinery would provide the contractor with access to whatever equipment it had available.

Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 9:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant further objects to this interrogatory as overly broad, over burdensome and harassing in that it is not limited in scope nor to any applicable time period. Defendant further objects to this interrogatory as calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as it constitutes an impermissible fishing expedition in violation of Texas law as respects discovery.

Without waiving any of the foregoing, we have located a number of purchase orders, invoices and work orders which contain information responsive to this interrogatory regarding the potential use of such products between 1940 and 1977. (Some of the documents produced may not reflect actual use of such products because we may have located and produced information received from manufacturers or suppliers from whom we purchased no products.) In any event, please see Defendant's response to Plaintiffs' Request for Production No. 19.

Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 10:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, overburdensome and not limited in time nor scope. Defendant further objects to this interrogatory as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any of the foregoing, we are not presently aware of any asbestos abatement which took place at the El Paso Refinery at any time between 1940 and 1977 other than such times when insulation was replaced with non-asbestos insulation incident to some other work or repair. Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 11:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, overburdensome, harassing and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as it is vague and ambiguous as well as overly broad and over burdensome given plaintiff's definition of the term "you". Plaintiff has not identified any products in this litigation to which she claims Edmundo Hermosillo was exposed which are alleged to have been manufactured, assembled, distributed or sold by this defendant.

Without waiving the foregoing, the El Paso Refinery has never been involved in the manufacturing, assembling, distributing or selling of asbestos containing products.

INTERROGATORY NO. 12:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and harassing in that it is not limited to the applicable time period nor in scope to the facility made the basis of this suit. As such, it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad, over burdensome, vague and ambiguous given plaintiff's definition of the term "your". Plaintiff's request constitutes an impermissible fishing expedition in violation of Texas law regarding discovery.

Without waiving the foregoing, we do not believe that the El Paso Refinery conducted any such tests regarding contract workers between 1940 and 1977. Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 13:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome and harassing in that it is not limited to the applicable time period nor in scope. As such, it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad, over burdensome, vague and ambiguous given plaintiff's definition of the term "you". Plaintiff's request constitutes an impermissible fishing expedition in violation of Texas law regarding discovery.

Chevron would have expected its contractors to take all reasonable precautions, including the use of respiratory protection whenever the contractor deemed it necessary and appropriate. In addition, the refinery required contractors to abide by all applicable laws and regulations during the time period from 1940 through 1977 which necessarily would have included any requirements imposed by OSHA. Defendant is continuing its research to determine specifically what policies were in effect regarding asbestos and when such policies were implemented. When such information is located, Defendant will supplement this response.

INTERROGATORY NO. 14:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome and not limited to the applicable time period. As such, this interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, this is not believed to have occurred at the El Paso Refinery between 1940 and 1977. Defendant's investigation is continuing and

Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 15:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, vague and harassing, especially given Plaintiff's definition of the term "you". Defendant further objects to this interrogatory because Defendant has insufficient information from plaintiff (including dates or periods during which Plaintiff alleges Plaintiff's decedent's exposure at Defendant's property and the nature and location of the work performed) to adequately investigate. Defendant further objects to this interrogatory to the extent it calls for information exempted from discovery by the privileges afforded by Rule 166b (3) (a), (d) and (e) of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence.

Without waiving the foregoing, Chevron U.S.A. Inc. denies any negligence toward Plaintiff and denies any responsibility for any injuries alleged in the Original Petition because Chevron U.S.A. Inc. breached no legal duty owed to Mr. Hermosillo.

INTERROGATORY NO. 16:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, vague and harassing. The interrogatory is not limited in time nor scope and it is especially vague and ambiguous given the Plaintiff's definition of the term "you". Defendant further objects to this interrogatory as calling for information which is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, we have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1940 and 1977. Defendant's investigation is continuing and if such information is located, we will supplement this response.

INTERROGATORY NO. 17:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, harassing and not limited to any applicable time period. This interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, we have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1940 and 1977. In the event such information is located, we will supplement this response.

INTERROGATORY NO. 18:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome and harassing. Defendant further objects to the purported burden of this interrogatory to search all materials ever published by any of these trade organizations for any specific information.

Without waiving the foregoing, Defendant has been a member of American Petroleum Institute from 1965 to the present and the National Safety Counsel from

1961 to the present.

INTERROGATORY NO. 19:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, over burdensome, harassing and not limited to any applicable time period. Defendant further objects to this interrogatory insofar as it is potentially violative of the rights of privacy of other individuals making such claims, if any. To the extent the interrogatory seeks information about lawsuits, such records are public and the information is equally available to plaintiffs or their counsel.

INTERROGATORY NO. 20:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as overly broad, overburdensome and calling for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, Defendant has sufficient assets and/or insurance to satisfy any adverse judgment in this case.

INTERROGATORY NO. 21

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

- a. Identify the expert witnesses;
- b. the subject matter on which the expert is expected to testify;

- c. the substance of the facts and opinions which underlie the expert's opinion; and,
- d. a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation.

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory because plaintiff has yet to specifically identify the work sites at which she claims decedent was allegedly exposed and the specific dates of such alleged exposure as required by Standing Order No. 1.

Without waiving the foregoing, Defendant will identify expert witnesses in accord with the terms of Standing Order No. 1 and the Texas Rules of Civil Procedure.

INTERROGATORY NO. 22:

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

ANSWER:

In addition to all previous objections which are incorporated herein, Defendant objects to this interrogatory as it is overly broad, over burdensome, vague, harassing and it calls for information which is neither relevant or reasonably calculated to the lead to the discovery of admissible evidence. This interrogatory is especially vague and harassing given Plaintiff's definitions of the terms "you" and "defendants". Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Defendant objects to this interrogatory in that it purports to place a burden on Defendant to sift through the universe of documents and identify those which would indicate that asbestos fibers, when inhaled, can be hazardous.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered without speculation because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations.

Due to the size of Defendant's business and the number of decades over which has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first learned that certain forms of asbestos could be, under

certain circumstances, associated with certain diseases. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstance, such as in mines or in textile mills, does not necessarily mean they became aware at the same of any risk of harm in typical refinery operations. As the risk of harm in refinery operations became known, Defendant took the appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos-containing insulation materials.

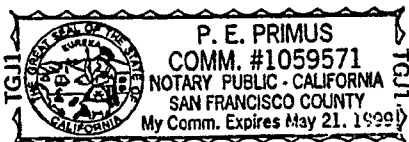
AFFIDAVIT

THE STATE OF CALIFORNIA §
 §
COUNTY OF San Francisco §

BEFORE ME, the undersigned authority, on this day personally appeared C. R. Farber who being by me here and now duly sworn, upon oath says that she is duly qualified and authorized to make this affidavit; that she has read the Answers contained in the foregoing instrument and that the responses set out therein are true and correct to the best of her knowledge and belief.

C. R. Farber
C. R. FARBER

September / SUBSCRIBED AND SWORN TO before me on this 15 day of September, 1998.



P. E. Primus
NOTARY PUBLIC
STATE OF CALIFORNIA

My Commission Expires:

May 21, 1999

P. E. PRIMUS

Typed or Printed Name of Notary