

CAUSE NO. 90G2055**WELDON R. MOAKE, et al.****Plaintiffs,****VS.****OWENS-CORNING FIBERGLAS
CORPORATION, et al.****Defendants.**§
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§**IN THE DISTRICT COURT OF****BRAZORIA COUNTY, TEXAS****239th JUDICIAL DISTRICT****SOUTHWESTERN REFINING COMPANY'S INC.'S RESPONSE TO
PLAINTIFF'S REQUESTS FOR DISCLOSURES**

TO: PLAINTIFF, WELDON R. MOAKE, by and through his attorney of record, Elizabeth R. Schick, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES Southwestern Refining Company, Inc., Defendant, in the above styled and referenced cause of action, and files the attached Answers to Plaintiffs' Requests for Disclosures pursuant to Rule 194.2, Texas Rules of Civil Procedure.

Respectfully submitted,

BROWN SIMS, P.C.

By: G. Byron Sims / RAtt

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ATTORNEYS FOR DEFENDANT,
SOUTHWESTERN REFINING COMPANY,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure, on this 24th day of September 2001.

Robin A. Howard
Robin A. Howard

ANSWERS TO REQUESTS FOR DISCLOSURE IN ACCORDANCE WITH
TEX.R.CIV.P. 194.2

RULE 194.2(a):

The correct names of the parties to the lawsuit.

RESPONSE: Defendant does not know the correct names of all parties to this lawsuit. The correct name of the Defendant responding to these requests is Southwestern Refining Company, Inc.

RULE 194.2(b):

The name, address, and telephone number of any potential parties.

RESPONSE: At this stage of discovery, other potential parties include Plaintiff's prior employers, their insurers, and Plaintiff's union.

RULE 194.2(c):

The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

- RESPONSE:**
1. Defendant, Southwestern Refining Company, Inc., did not purchase, own, occupy, or operate the premises at all of some of the times Plaintiff claims to have been exposed to asbestos fibers. Defendant, Southwestern Refining Company, Inc., did not acquire what interests it had in the premises until 1974 and by 1995 Southwestern Refining Company, Inc. relinquished that interest.
 2. Some or all of Plaintiff's employers did not perform work or services at the premises and, therefore, Plaintiff was not exposed to asbestos fibers as claimed at the premises while working for certain of his employers.

3. Plaintiff knew or should have known, through his employers or his unions, of the risks of asbestos exposure he claims Defendant, as premises owner or occupier, knew or should have known about.
4. Plaintiff's claimed exposures occurred either entirely or partially at other premises owned, occupied, or operated by other Defendants or third parties.
5. Plaintiff's employers who did not carry worker's compensation insurance for those periods Plaintiff claims he was exposed at the refinery may have been negligent in not furnishing that equipment Plaintiff claims should have been furnished to avoid exposure.
6. Pursuant to § 95.003 of the Texas Civil Practice and Remedies Code, Defendant, as a premises owner or occupier, is not liable for the alleged injuries sustained by Plaintiff, who was an employee of an independent contractor, because: (a) Defendant did not exercise or retain control over the manner in which Plaintiff's work was performed; and/or (b) Defendant did not have actual knowledge of the danger or condition resulting in Plaintiff's alleged injury and thereby did not fail to adequately warn.

RULE 194.2(d):

The amount and any method of calculating economic damages.

RESPONSE: Defendant does not know the amount and method of calculating economic damages claimed by Plaintiff. At this stage of discovery, Defendant is not seeking economic damages.

RULE 194.2(e):

The name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

1. **Acree, Leroy**
Kerr McGee Corporation
Post Office Box 15861
Oklahoma City, Oklahoma 73125
Kerr McGee Corporation employee; Claim Division.
2. **Clark, Roger A.**
6214 Boca Raton
Corpus Christi, Texas 78413
512.814.8292
Former Southwestern Refining Company, Inc. employee; Environmental Division
3. **Flores-Skrouppa, Debbie, R.N.**
#2 Prairie Ridge
Robstown, Texas 78390
512.387.3779
Former Southwestern Refining Company, Inc. employee; Industrial Nurse, Health & Safety Department
4. **Garza, Pablo**
3509 Pecan
Corpus Christi, Texas 78411
Former Southwestern Refining Company, Inc. employee; Safety Specialist
5. **Gibbs, John, M.D.**
Kerr McGee Corporation
Post Office Box 15861
Oklahoma City, Oklahoma 73125
Kerr McGee Corporation employee; Director of Medical Services
6. **Goltra, Evan, M.D.**
(Now retired)
Current address and phone number unknown
Former Kerr McGee Corporation employee; Director of Medical Services
7. **Hines, J.C., M.D.**
7121 South Padre Island Drive
Corpus Christi, Texas

512.886.4158

Southwestern Refining Company, Inc. contract employee; performed employee physicals and assisted in on-site emergencies

- 8. Moloney, Thomas, M.D.**
7406 Up River Road
Corpus Christi, Texas 78409
512.289.2890
Southwestern Refining Company, Inc. contract employee; performed employee physicals and assisted in on-site emergencies
- 9. Norris, Ron**
2010 Paul Jones
Corpus Christi, Texas 78412
Former Southwestern Refining Company, Inc. employee; Manager, Industrial Relations
- 10. Pope, Barbara**
10638 Larkwood Street
Corpus Christi, Texas 78410
361.241.7161
Former Southwestern Refining Company, Inc. employee; Industrial Hygienist, Health and Safety Department
- 11. Renfro, Norman**
503 Ridge Bluff
San Antonio, Texas 78216
210.545.3831
or
7990 I.H. 10 West
San Antonio, Texas
210.370.2000
Former Southwestern Refining Company, Inc. employee; knowledge of Southwestern Refining Company, Inc.'s policies and procedures
- 12. Sands, Tom**
Koch Refining
Suntide Road
Corpus Christi, Texas 78409

**Former Southwestern Refining Company, Inc. employee; Manager,
Administration**

13. **Settles, Stephanie
2910 Rorer Circle
Corpus Christi, Texas 78410
512.242.2505
Former Southwestern Refining Company, Inc. employee; Industrial Hygienist,
Health and Safety Department**
14. **Starkey, H. Wayne
3609 Castle River
Corpus Christi, Texas 78410
361.241.8345
Former Southwestern Refining Company, Inc. employee; thereafter employee
of Gilman Insulation**
15. **Steen, Charles A.
4953 Cherry Hill Drive
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361.991.3222
Former Southwestern Refining Company, Inc. employee; knowledge of
Southwestern Refining Company, Inc.'s policies and procedures**
16. **Trower, Carolyn DeYoung
4301 Braggs Drive
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Former Southwestern Refining Company, Inc. employee; Industrial Hygienist,
Health and Safety Department**
17. **Voelker, Anita, R.N.
11037 Timbergrove
Corpus Christi, Texas 78410
512.241.3494
Former Southwestern Refining Company, Inc. employee; Industrial Nurse,
Health & Safety Department**
18. **Waide, Douglas, C., Ph.D.**

**Director of Consulting Services
International Haz-Mat & Safety Consultants
Post Office Box 1091
Ingleside, Texas 78362
512.776.7397**

or

**Brush Patch RV Park
Ingleside, Texas 78382**

Former Southwestern Refining Company, Inc. employee; former safety specialist

- 19. Walker, William
6414 Cateau
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512.993.8051
Former Southwestern Refining Company, Inc. employee; Manager of Health & Safety Department**
- 20. Weldon Russell Moake
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972.539.6966**
- 21. Janice I. Moake
1040 Laurel Oak Drive
Flower Mound, Texas 75028-1381
972.539.6966**
- 22. Mack K. Moake
601 Knobview Drive
Shelbyville, Kentucky 4065
502.633.4142**
- 23. Dana R. Ashley
5233 Tarton
Corpus Christi, Texas 78413
361.992.7225**

24. Kevin R. Moake
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Coppell, Texas 75019
972.462.0543
25. Jack Hoover
2642 Tulane Drive
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361.937.1989
26. Marvin E. Wuenshe
409 East Elizabeth
Kingsville, Texas 78363
361.592.6227
27. James Ford
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28. Leroy Verdine
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361.578.2057
29. L.D. Watkins
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Corpus Christi, Texas 78410
361.241.1647
30. Kenneth Kemp
204 Primrose
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361.573.4878
31. Ronald Ray Lightfoot
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32. **Michael Dale Byerley**
RR2, Box 42 A-1
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33. **Jack D. Westbrook**
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361.368.9037
34. **Glen A. Curfman**
2 County Road 405
Three Rivers, Texas 78071
361.786.3007
35. **David Salinas**
Post Office Box 301
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361.777.2269
36. **Lee Roy Cervenka**
111 Old Angleton Road
Lake Jackson, Texas 77566
409.265.4434
37. **Billy Winston Stevens**
114 Perth Road
Victoria, Texas 77904
361.572.8281
38. **Leonard Dunnahoe**
Route 1, Box 723
Aransas Pass, Texas 78336
361.776.2249
39. **Morris Wayne Byerley**
2519 Robby
Corpus Christi, Texas 78410
361.241.1604

40. **John Theodore Kayda, Sr.**
1610 Atlanta Street
Deer Park, Texas 77536
281.479.8591
41. **Earl Thomas Knighton**
160 Briar Drive
Shepard, Texas 77371
281.592.6567
42. **Bartley C. Bauman, Jr.**
Route 1, Box 196
Sinton, Texas 78387
361.287.3362
43. **Dr. James Robb**
Cedars Medical Center
1400 Northwest Avenue
Miami, Florida 33136
305.325.5587
44. **Dr. Victor Roggli**
Durham VA Medical Center
Department of Pathology (113)
508 Fulton, Street, F3196
Durham, North Carolina 27705
919.286.0411
45. **Dr. Ibrahim Ramzy**
Baylor College of Medicine - Pathology Department
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713.798.4681
46. **Dr. Nancy Carraway**
M.D. Anderson Cancer Center
1515 Holcombe Boulevard
Houston, Texas 77030
713.792.3125

47. **Dr. H.J. Shin**
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713.792.3125
48. **Dr. Dale Odell**
Pro Path Services
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214.638.2000
50. **Dr. Terri Casey**
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Lewisville, Texas 75057
(No telephone)
51. **Deborah B. Aquino**
Clinical Flow Cytometry and Cellular Immunology Laboratory
University of Texas Southwestern medical Center
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52. **Dr. Greg Staerckel**
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53. **Dr. Glen Genovese**
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972.243.8363
54. **Dr. Dennis Costa**
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972.221.0147

- 55. **Dr. Lyle Brown**
Denton, Texas
- 56. **Dr. Dong Moon Shin**
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713.792.6363
- 57. **Dr. I Garrett L. Walsh**
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713.792.6363
- 58. **Dr. Kathleen Pisters**
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713.792.6363

RULE 194.2(f):

For any testifying expert:

- (1) the expert's name, address and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

- (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
- (B) the expert's current resume and bibliography

RESPONSE: At this stage of the case and discovery, Defendant has not determined who, if anyone, may be called to testify as an expert. Defendant reserves the right to call any of the expert witnesses identified by any other party to this lawsuit, including but not limited to Plaintiff's health care providers and their custodians of records.

RULE 194.2(g):

Any discoverable indemnity and insuring agreements.

RESPONSE: At this stage of the case and discovery, Defendant's inquiries into such agreements are ongoing. Defendant may have agreements with some or all of the Plaintiff's employers which include indemnity provisions and/or provisions requiring Plaintiff's employers to name one or both Defendants as "named insured" under existing general liability policies.

RULE 194.2(h):

Any discoverable settlement agreements.

RESPONSE: At this stage of the case and discovery, Defendant is not aware of any discoverable settlement agreements.

RULE 194.2(i):

Any discoverable witness statements.

RESPONSE: None other than any deposition testimony that has been or may be given in this cause of action.

RULE 194.2(j):

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted, or in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE: Defendant is not alleging physical or mental injury.

RULE 194.2(k):

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE: At this stage of the case and discovery, none.