

CAUSE NO. 2000-2113

PABLO AGUILERA; TOMAS TORRES; §
PEDRO PAZ BAEZA; ROBERT BAEZA; and §
MANUEL MACIAS §

VS. §

GAF CORPORATION, ET AL §

IN THE COUNTY COURT

AT LAW NO. THREE

EL PASO COUNTY, TEXAS

CHEVRON U.S.A., INC.'s
FIRST SUPPLEMENTAL RESPONSE TO PLAINTIFFS ROBERT BAEZA,
TOMAS TORRES AND MANUEL MACIAS' REQUEST FOR DISCLOSURE

COMES NOW CHEVRON U.S.A. INC., one of the Defendants in the above entitled and numbered cause, and responds to Request for Disclosure as to Plaintiffs, Robert Baeza, Tomas Torres, and Manuel Macias, pursuant to Tex.R.Civ.P. 194.2.

(c) Defendant's theories, based upon discovery as completed to date, are as follows:

Defendant denies that Plaintiffs were exposed to asbestos containing products on any premises owned or operated by this Defendant or to any product which emanated from any premises owned or operated by this Defendant. Defendant denies that Plaintiffs, were exposed to asbestos products on Defendant's premises at a level sufficient to have caused or contributed to any asbestos related disease. Defendant denies that any dangerous condition existed at its facilities at any time Plaintiffs, may have been present as a business invitee. Defendant denies that it was negligent or grossly negligent or that its actions were a proximate cause of any injury or illness to Plaintiffs. Defendant did not breach any duty owed to Plaintiffs, given the applicable state of the art, nor did Defendant proceed with conscious indifference to the safety of Plaintiffs, with subjective awareness of any extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiffs. Defendant denies that the Plaintiffs have been damaged as alleged and denies that Plaintiffs' illnesses were caused by asbestos exposure. Defendant denies having supplied material or products which were defective. In the alternative, Defendant contends that any illness of Plaintiffs was the result of exposure to products or actions of companies over whom this Defendant had no control, including asbestos product manufacturers, cigarette manufacturers, and

contractors. Defendant asserts the affirmative defense of contributory negligence which will be developed through discovery. The imposition of punitive damages would violate Defendant's due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and by the due process provisions of the Texas Constitution, and would be improper under the common law and public policies of the State of Texas. Any award of exemplary or punitive damages, in the absence of appropriate standards, would be unreasonable, arbitrary, capricious and confiscatory, and have no relation to any fact and, therefore, afford Defendant no adequate means of defense. However, if punitive damages are awarded, Defendant asserts that those damages are capped.

Defendant denies participation in any civil conspiracy to withhold knowledge of effects of asbestos exposure from workers. Defendant denies that it acted in any way to aide, abet, encourage or induce any other Defendant to commit any negligent or fraudulent act

Please refer also to Defendant's pleadings on file which are incorporated herein. Defendant reserves the right to amend, supplement or modify its theories as warranted by future discovery.

Respectfully submitted,

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

David W. Ledyard

State Bar No. 12109400

Michael T. Bridwell

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14th Floor, San Jacinto Building

Beaumont, Texas 77701-3255

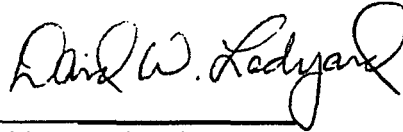
(409)981-1000

(409)981-1010 Facsimile

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

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of Chevron U.S.A. Inc.'s Response to Disclosure has been furnished to counsel for plaintiff by certified mail and to all other counsel of record by U.S. mail on this 19th day of December, 2000.

A handwritten signature in black ink, reading "David W. Ledyard". The signature is written in a cursive style with a large, looping "D" and "L".

David W. Ledyard

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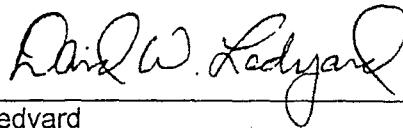
CERTIFICATE OF WRITTEN DISCOVERY

This is to certify that on December 19, 2000, Defendant served the following:

**Defendant, CHEVRON U.S.A. INC.'s First Supplemental Responses to
Plaintiffs, Robert Baeza, Tomas Torres, and Mauel Macias' Request for Disclosure**

Respectfully submitted,

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

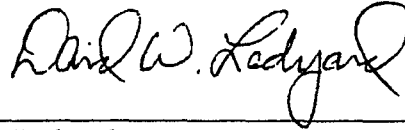


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ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has on this the
19th day of December 2000, been forwarded to all counsel of record by U.S.
Mail.

A handwritten signature in black ink, reading "David W. Ledyard". The signature is written in a cursive style with a large, looping "D" and "L".

David W. Ledyard