

CAUSE NO. 01-00887-B

TIMOTHY CLAUD MCMURROUGH, ET AL	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
U.S. GYPSUM COMPANY, ET AL	§	44TH JUDICIAL DISTRICT

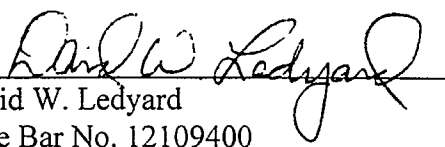
**EXXON CORPORATION'S RESPONSE
TO PLAINTIFF'S REQUEST FOR DISCLOSURE**

TO: Plaintiff, JAMES C. MCMURROUGH, et al by and through their attorney of record,
Stephanie Finch, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas,
Texas 75219-4281.

COMES NOW, EXXONMOBIL CORPORATION, one of the Defendants in the above
styled cause, and pursuant to Rule 194.3 of the Texas Rules of Civil Procedure, files the following
Response to Plaintiff's Request for Disclosure.

Respectfully submitted,

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



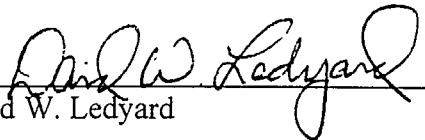
David W. Ledyard
State Bar No. 12109400

14th Floor, San Jacinto Building
Beaumont, Texas 77701-3255
(409)981-1000
(409)981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
EXXONMOBIL CORPORATION

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of ExxonMobil Corporation's Response to Plaintiffs' Request for Disclosure has been furnished to counsel for plaintiff, by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this 23rd day of May, 2001.



David W. Ledyard

REQUESTS FOR DISCLOSURE

194.2(a) The correct names of the parties to the lawsuit.

RESPONSE: ExxonMobil Corporation

194.2(b) The name, address, and telephone number of any potential parties.

RESPONSE: We know of no other potential parties that defendant may call at this time.

194.2(c) The legal theories and, in general, the factual basis of the responding parties claims or defenses.

RESPONSE: Generally, this Defendant denies the allegations as to liability and damages. The Defendant denies that it was negligent and may assert a state-of-the-art defense. Other possible defenses include statute of limitations, contributory negligence, and the fault of third parties over whom this Defendant has no control. As discovery progresses, Defendant will supplement this response as required by the rules.

Defendant denies that Plaintiff was exposed to asbestos containing product 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 any dangerous condition existed at its facilities at any time Plaintiff 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 Plaintiff. Defendant did not breach any duty owed to Plaintiff, given the applicable state of the art, nor did Defendant proceed with conscious indifference to the safety of Plaintiff with subjective awareness of any extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiff. Defendant denies that the Plaintiff has been damaged as alleged and denies that Plaintiff's illness was caused by asbestos exposure. Defendant denies having supplied material or products which were defective. In the alternative, Defendant contends that any illness of Plaintiff was the result of exposure to products or actions of companies over whom this Defendant has no control, including asbestos product manufacturers, cigarette manufacturers, and contractors.

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.

194.2(e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified persons connection with the case.

RESPONSE:

Fact witnesses have not been identified.

194.2(f) For any testifying expert:

1. the experts name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the experts mental impressions and opinions and a brief summary of the bases 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; and
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:

Refer to Defendant's Designation of Expert Witnesses attached to this response.

194.2(g) Any discoverable indemnity and insuring agreements.

RESPONSE: If any indemnity agreements are located, they will be provided. Defendant has sufficient coverage for the purpose of this litigation.

194.2(i) Any discoverable witness statements.

RESPONSE: None to our knowledge.

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: None at this time.

Defendants are not aware of all of the areas of testimony or proof that plaintiff intends to produce at trial and, therefore, defendants cannot proffer all expected testimony until they have had the benefit of reviewing all of plaintiffs' experts' reports and opinions. To the extent that a witness expresses an opinion at trial or in discovery that has not been divulged prior to the time that this statement was served on counsel, and which creates a need for additional areas of rebuttal testimony or proof, defendants reserve the right to supplement this statement. Any expert designated herein may also testify as to any issues raised by plaintiffs experts within the area(s) of expertise of the designated expert. The words and language used in this statement are the words and language of counsel who prepared the statement, and not the witness. If any expert designated herein produces a report, a copy of the report will be produced to plaintiff's counsel.

Dr. R. C. Austin
Faculty of Laws
University College London
Bentham House
Endsleigh Gardens
London WC1H OE6
England

Dr. Austin will testify about the procedures by which industrial regulations have been drafted and implemented in the United Kingdom. He will testify about the role of consultation among government, industry and labor in the creation of such regulations.

Robert J. Awe, M.D.
Baylor College of Medicine
Ben Taub General Hospital
1504 Taub Loop
Houston, Texas 77030
(713) 793-2467

Dr. Awe is expected to testify either live or by deposition concerning plaintiffs' medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Awe may also testify about asbestos and its effect on the pulmonary system, including the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Awe is also expected to testify about any matter raised by experts called by the Plaintiffs or Co-Defendants including, but not limited to, plaintiff's medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

Stephen M. Ayers, M.D.
Medical College of Virginia
Box 565 MCV Station
Richmond, VA 23298

Dr. Ayers may be expected to testify live or by deposition concerning the state of the available

medical knowledge regarding asbestos-related disease at the relevant historical periods of time. Dr. Ayers may also testify concerning current medical knowledge regarding plaintiffs' condition and asbestos-related disease.

Dr. Ayers may testify on state-of-the-art and the Saranac papers, to the effect that Defendants could not have known end users were at risk until approximately the late 1960's. He may also testify as to any matter raised by experts called by plaintiffs or any co-defendants.

J. Leroy Balzer, Ph.D
408 Horse Trail Court
Alamo, CA 94595

Dr. Balzer has a B.S. Degree in Public Health Microbiology and M.S. Degree in Preventive Medicine/Public Health which were awarded by the University of California at Los Angeles in 1962 and 1963 respectively. Dr. Balzer earned the Doctor of Philosophy Degree in Environmental Health and Science/Industrial Hygiene from the University of California at Berkeley in 1971. From 1963 to 1965, he was employed as an environmental health scientist at the University of California at Berkeley. From 1966 to 1971, Dr. Balzer was employed by the University of California School of Public Health as a research associate and research fellow. In 1966, he became involved in a coordinated research program of occupational medicine, industrial hygiene and education of insulation contractors. This intense study of the construction industry was sponsored through grants from the United States Public Health Service and involved observing the work environment of insulators.

Dr. Balzer was a Certified Industrial Hygienist from 1973 until 1987 when he became an Assistant Vice Chancellor at the University of California Health Sciences Campus in San Francisco. He has lectured on occupational/environmental health issues in the United States and internationally. In 1993, Dr Balzer became a full time consulting industrial hygienist and was appointed an Assistant Clinical Professor, School of Medicine, University of California Health Sciences. Dr. Balzer is a member of the American Conference of Governmental Industrial Hygienists (Affiliate), American Industrial Hygiene Association and other professional organizations.

Dr. Balzer may also testify to any and all other matters, within his knowledge and expertise, which are relevant to this particular case.

Dr. Balzer is an environmental consultant. He may give testimony regarding the level of fiber release, if any, from gasket and packing products or other products in the occupational setting. He may testify regarding threshold limit values and permissible exposure levels as promulgated by private organizations and governmental agencies. He may testify as to issues involving reentrainment and fiber drift. He may testify as to work practices regarding various types of occupations using products that contained asbestos. He may testify as to the applicability of the OSHA and Environmental Protection Agency's guidelines as they relate to various types of products including gaskets and packings. He may testify as to exposure that may result from the use of other types of asbestos products.

Dr. Balzer has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skills, and training. Dr. Balzer may testify about the size, construction, layout and

Dr. Barrett is a practicing radiologist and a B-reader certified by NIOSH. His testimony will relate to his interpretation of chest films taken of the plaintiffs, as disclosed in reports produced, if any, and will be made available to the plaintiffs. It is anticipated that Dr. Barrett will testify generally as to his interpretation of the plaintiffs' chest films, the presence of any asbestos-related condition as evidenced on the chest film, and the presence of other abnormalities or conditions unrelated to any exposure to asbestos.

Dr. Peter W.J. Bartrip
Centre for Socio-Legal Studies
Wolfson College
Linton Road
Oxford OX2 6UD
United Kingdom

Dr. Bartrip has a Ph.D. in history. He is expected to testify generally about the development of the 1931 Asbestos Industry Regulations in the United Kingdom. He is expected to testify about the consultations among officials from the Factory Inspectorate, representatives of manufacturers and representatives of organized labor prior to the promulgation of the Regulations.

Mr. Lawrence R. Birkner
McIntyre, Birkner & Associates, Inc.
2026 El Monte Drive
Thousand Oaks, California 91362-1822

Larry Birkner is a certified Industrial Hygienist trained in the measurement of dust and related matters. He is prepared to testify regarding the history of industrial hygiene, industrial hygiene methods, exposure levels which trigger disease associated with dust exposure, good housekeeping measures, and other related matters. He is prepared to testify about respirator history, what constitutes good hygiene practice, and the periods of time from an industrial hygiene standpoint when people and companies became aware of associated health risks. He may give testimony regarding the level of fiber release, if any, from gasket, packing or other products in the occupational setting. He may testify regarding threshold limit values and permissible exposure levels as promulgated by private organizations and governmental agencies. He may testify as to issues involving reentrainment and fiber drift. He may testify as to work practices regarding various types of occupations using products that contained asbestos. He may testify as to the applicability of the OSHA and Environmental Protection Agency's guidelines as they relate various types of products including gaskets and packings. He may testify as to exposure that may result from the use of other types of asbestos products.

Mr. Birkner has personal knowledge of relevant facts but is also an expert based upon his specialized knowledge, skills, and training. Mr. Birkner may testify about the size, construction, layout and working environment of facilities such as where the plaintiffs worked. He may testify about the nature of the working environment in such locations. He may testify about his knowledge of the composition and asbestos content, if any, of the products and may testify concerning the ability of such products to emit asbestos fiber under certain conditions. He may testify generally as to the

industrial hygiene state-of-the-art. He may testify to the dust levels produced by particular insulation operations and products, including pipe and block insulation. He may also address insulator union knowledge of asbestos hazards, the historical development of the use of respirators in association with the use of asbestos-containing products. He may testify about whether the some products identified are capable of emitting respirable asbestos fibers of type or quantity which could have substantially contributed to the plaintiff's alleged asbestos-related condition. He may testify about applicable governmental standards and regulations. He may also testify as to any matter raised by experts called by the plaintiff or any co-defendants. Birkner may testify regarding an individual's risks or exposure to asbestos from different media, including, but not limited to, ambient air, industrial products and occupational settings. Birkner may testify concerning: (1) circumstances in occupational settings that may result in direct exposure for persons having contact with asbestos-containing products or equipment with asbestos insulation, and (2) circumstances that may result in bystander exposure for those nearby others having contact with asbestos containing products or equipment with asbestos insulation. Birkner may testify about industrial hygiene principles and methodologies used to determine potential hazards due to asbestos exposure.

Ben Branscomb, M.D.
Professor of Medicine
University of Alabama School of Medicine
Birmingham, Alabama

Dr. Branscomb is expected to testify either live or by deposition concerning plaintiffs' medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Branscomb may also testify about asbestos and its effect on the pulmonary system, including the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Branscomb is expected to testify about any matter raised by experts called by the Plaintiffs and Co-Defendants including, but not limited to, plaintiffs' medical condition, the state of medical knowledge concerning asbestos-related diseases and other occupational diseases.

Mr. Dohrman Byers,
12060 Lawnview Avenue - #6
Cincinnati, Ohio

Mr. Byers' testimony may be presented by way of deposition taken on October 21, 1985, in Brandt v. Owens-Illinois, Inc., Case No 605-147, Milwaukee Circuit Court, Wisconsin

Mr. Byers testified as to the interpretation and application of the Threshold Limit Value by the U.S. Public Health Service.

Sam Cade, M.D.
Texas Diagnostic Imaging
3535 Worth Street #110
Dallas, Texas 75246
(214) 820-3219

Dr. Cade is a "B" reader and may testify regarding the radiographs of the Plaintiff. Dr. Cade will testify to all matters pertaining to his examination of the Plaintiff and Plaintiff's medical records; any communication with the Plaintiff or Plaintiff's family; the diagnostic criteria used to diagnose asbestosis; his opinion regarding whether Plaintiff suffers from an asbestos-related disease and the basis of such opinions; the Plaintiff's current medical condition and his prognosis thereof.

Phillip Cagle, M.D.
Baylor School of Medicine
Dept. of Pathology
One Baylor Plaza
Houston, Texas 77030 -3498
(713) 790-5219

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Cagle has not as yet prepared a report; if he does, a copy will be provided to Plaintiffs.

Dr. Cagle will be offered by these defendants as an expert physician, with particular expertise in pathology, in the process of carcinogenesis, as a researcher in the field of asbestos related conditions and their etiology, in the pathologic diagnosis and grading of non-malignant conditions associated with exposure of certain populations to asbestos-containing products and/or materials, and in the epidemiologic and etiologic aspects of certain cancers that are alleged to be causally associated with exposure of certain populations to asbestos containing products and/or materials.

Dr. Cagle is expected to provide testimony concerning the anatomic structure and functioning of the lung from a pathologic perspective, the defense mechanisms and functioning of the lung in health and otherwise, the responses of the lung to various stimuli, and the role of various components of the respiratory system in the proper functioning of the lung. Dr. Cagle is expected to describe and distinguish various types of asbestos fibers; to describe the things which affect the ability of asbestos fibers to affect various structures within the respiratory system; and to describe the body's specific responses to fibers of asbestos that are inhaled, whether or not they are retained.

It is further believed that Dr. Cagle will define and distinguish various conditions, such as asbestosis, pleural changes and other non-malignant changes that may be attributable in some persons to the results of long term inhalation and retention of some forms of asbestos fiber. Dr. Cagle is further expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Cagle is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products, and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Cagle is also expected to testify that it cannot be said, to a reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual, without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, information concerning the individual's use of protective equipment, specific types of asbestos containing product(s) used and/or handled, resolution of questions regarding exposures to substances other than asbestos-containing products, and other known etiologies for whatever conditions are found to exist.

It is further expected that Dr. Cagle's testimony will generally respond to the pathologic, scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot be specifically predicted.

In expressing his opinions, Dr. Cagle will rely on his own training, education, experience, research and publications, as well as the published medical and scientific literature that has been available to him over his career.

Dr. Cagle may testify as to the general medical aspects of the diagnosis and treatment of asbestos-related disease and the pathological effect of asbestos on the lung. He may also testify as to the relationship of asbestos exposure and the incidence of cancer. Dr. Cagle is expected to provide testimony in the following areas:

1. Anatomy and function of the respiratory and circulatory systems and the diagnosis and treatment of disease affecting such systems;
2. The nature of asbestos and asbestosis;
3. The symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system peritoneum and peritoneal cavity;
4. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
5. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system and other causes of obstructive and restrictive disease or defects of the respiratory system;
6. Methods of diagnosis of various diseases, particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos related diseases;
7. Incidence of lung cancer among individuals with asbestosis or asbestos exposure without asbestosis, compared with non-asbestotic asbestos workers, non-asbestos exposed workers, and with the general population;
8. The import of any exhibit (including without limitation, corporate documents of defendants) introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witness;

9. Cigarette smoking and its effect on the lung and other organs;
10. The relative danger of these defendants' asbestos-containing products;
11. The relationship of cigarette smoking to cancer of the lung and cancers of the other sites with reference to epidemiological studies and physiologic effect;
12. Difference between impairment and disability;
13. Effect of asbestosis, or asbestos exposure without asbestosis, on disability and life expectancy; effect of pleural plaques or other pleural manifestations of asbestos exposure on lung function or life expectancy;
14. The lack of relationship between presence of pleural plaques and a later development of any form of cancer;
15. Cancer incidence in the general population and among asbestos workers and its potential causes;
16. The history of evolution and knowledge of asbestos-related diseases;
17. The fiber types and exposure levels considered to be substantial in causing asbestos-related disease, specifically mesothelioma.

Additionally, Dr. Cagle may testify concerning the diagnosis of plaintiffs. Dr. Cagle may also testify as to his findings and diagnosis after examination and analysis of tissue, slides or other pathologic materials, medical records, reports, radiographs and plaintiffs' work history. He may give testimony concerning his review of any report purported to be diagnostic of any oncological condition and the methods of and procedures for conducting fiber counts. He may give testimony regarding malignancies associated with asbestos exposure or cigarette abuse and other malignancies from which they must be differentiated, the appropriate protocols for the diagnosis of those conditions, prognosis and information relating to the known cause of those malignancies. He may testify concerning the text and other literature relevant to any malignancy purported to be asbestos-related and any other malignancy from which it must be distinguished, including data relevant to contentions of increased risk of asbestos-related disease or cancer, prognosis, the relevant standards of care and considerations relating to medical monitoring. His testimony may include discussions of any relevant epidemiology, anatomy and physiology.

Finally Dr. Cagle may render various opinions relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. Darryl Carter
Yale University
Department of Pathology
310 Cedar Street
New Have, CN 06510

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Carter has not prepared a report as yet; if he does, a copy will be provided to plaintiffs.

Dr. Carter is expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Carter is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products, and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Carter is expected to testify that it cannot be said, to a reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual, without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, of asbestos containing product(s) used and/or handled, resolution of questions regarding exposures to substances other than asbestos-containing products, and other known etiologies for whatever conditions are found to exist.

It is further expected that Dr. Carter's testimony will generally respond to the pathologic, scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot be specifically predicted.

In expressing his opinions, Dr. Carter will rely on his own training, education, experience, research and publications, as well as the published medical and scientific literature that has been available to him over his career.

Dr. Carter may testify as to the general medical aspects of the diagnosis and treatment of asbestos-related disease and the pathological effect of asbestos on the lung. He may also testify as to the relationship of asbestos exposure and the incidences of cancer. Dr. Carter is expected to provide testimony in the following areas:

1. Anatomy and function of the respiratory and circulatory systems and the diagnosis and treatment of disease affecting such systems;
2. The nature of asbestos and asbestosis;
3. The symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
4. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;

5. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive disease or defects of the respiratory system;
6. Methods of diagnosis of various diseases, particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
7. Incidence of lung cancer among individuals with asbestosis or asbestos exposure without asbestosis, compared with non-asbestotic asbestos workers, non-asbestos exposed workers, and with the general population;
8. The importance of any exhibit (including without limitation, corporate documents of defendants) introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witnesses;
9. Cigarette smoking and its effect on the lung and other organs;
10. The relative danger of this defendant's asbestos-containing products;
11. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with references to epidemiological studies and physiologic effect;
12. Difference between impairment and disability;
13. Effect of asbestosis, or asbestos exposure without asbestosis, on disability and life expectancy; effect of pleural plaques or other pleural manifestations of asbestos exposure on lung functions or life expectancy;
14. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer;
15. Cancer incidence in the general population and among asbestos workers and its potential causes;
16. The history of evolution and knowledge of asbestos-related diseases;
17. The fiber types and exposure levels considered to be substantial in causing asbestos-related disease, specifically mesothelioma.

Additionally, Dr. Carter may testify concerning the diagnosis of the plaintiffs. Dr. Carter may also testify as to his findings and diagnosis after examination and analysis of tissue, slides or other pathologic materials, medical records, reports, radiographs and plaintiffs' work history. He may give testimony concerning his review of any report purported to be diagnostic of any oncological conditions and the methods of and procedures for conducting fiber counts. He may give testimony regarding malignancies associated with asbestos exposure or cigarette abuse and other malignancies from which they must be differentiated, the appropriate protocols for diagnosis of those conditions, prognosis and information relating to the known causes of those malignancies. He may testify

concerning the texts and other literature relevant to any malignancy purported to be asbestos-related and any other malignancy from which it must be distinguished, including data relevant to contentions of increased risk of asbestos-related disease or cancer, prognosis, the relevant standards of care and considerations relating to medical monitoring. His testimony may include discussion of any relevant epidemiology, anatomy and physiology.

Bruce Case
Department of Pathology
Faculty of Medicine
McGill University
3775 University Street
Room 203
Montreal, Canada H3A2B4
(514) 398-7192 ext. 7466

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Case has not as yet prepared a report; if he does, a copy will be provided to Plaintiffs.

Dr. Case is expected to provide testimony concerning the anatomic structure and functioning of the lung from a pathologic perspective, the defense mechanisms and functioning of the lung in health and otherwise, the responses of the lung to various stimuli, and the role of various components of the respiratory system in the proper functioning of the lung. Dr. Case is expected to describe and distinguish various types of asbestos fibers; to describe the things which affect the ability of asbestos fibers to affect various structures within the respiratory system; and to describe the body's specific responses to fibers of asbestos that are inhaled, whether or not they are retained.

It is further believed that Dr. Case will define and distinguish various conditions, such as asbestosis, pleural changes and other non-malignant changes that may be attributable in some persons to the results of long term inhalation and retention of some forms of asbestos fiber. Dr. Case is further expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Case is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products, and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Case is also expected to testify that it cannot be said, to a reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual, without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, information concerning the individual's use of protective equipment, specific types of

asbestos containing product(s) used and/or handled, resolution of questions regarding exposures to substances other than asbestos-containing products, and other known etiologies for whatever conditions are found to exist.

Dr. Andrew Churg
Associate Professor
Chief, Laboratory of Anatomic Pathology
University of British Columbia
Health Sciences Center Hospital
2211 Westbrook Mall
Vancouver, B.C., Canada V6T1W5

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Churg has not as yet prepared a report; if he does, a copy will be provided to Plaintiffs.

Dr. Churg will testify about the pathology of asbestos related diseases, his research into asbestos related diseases, the carcinogenicity of various fiber types, and the relationship, if any, between asbestos and various disease.

Dr. Churg is a specialist in the pathology of occupational lung disease.

He is also expected to testify that some asbestos-containing products do not create a health hazard and that any asbestos exposure from these products played no role in the genesis of plaintiffs' lung diseases, if any.

Dr. Churg may testify, either live or by deposition, regarding general pathology and the pathology of plaintiffs. He may also testify as to any matter raised by experts called by plaintiffs or any co-defendants.

In addition, Dr. Churg may testify regarding general medical issues, including but not limited to the following:

1. The anatomy and function of the respiratory and circulatory systems, including the protective systems of the body with regards to the inhalation and retention of dust, and the diagnosis and treatment of disease affecting such systems;
2. The nature of asbestos and asbestos-related disease;
3. The symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
4. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
5. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system and other causes of obstructive and restrictive disease or defects of the

respiratory system;

6. Methods of diagnosis of various diseases with other non-asbestos-related diseases;
7. Incidence of lung cancer among individuals with asbestosis or asbestos exposure as compared to non-asbestotic asbestos workers, non-asbestos exposed workers and to the general population
8. Cigarette smoking and its effects on the lungs and other organs;
9. The relationship of cigarette smoking to cancer of the lung and cancers of other body parts with reference to epidemiology studies and physiologic effect;
10. The difference between impairments and disability;
11. The effect of asbestosis or other asbestos-related disease, or asbestos exposure without asbestosis or other asbestos-related disease, on disability and life expectancy;
12. The lack of relationship between the presence of pleural plaques and a later development of any form of cancer;
13. The history of evolution and knowledge of asbestos-related diseases;
14. The import of any exhibit introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witness;
15. Cancer incidence in the general population and among asbestos workers and its potential causes;
16. The incidence of mesothelioma among various kinds of workers exposed to asbestos, and the relative importance of various fiber types and the cause of mesothelioma
17. To the extent not covered above, asbestos medicine in general.

Dr. Churg will express his opinion that the only established association concerning lung cancers and asbestos exposure is the association of asbestosis and lung cancers; that the association of occupational asbestos exposure and lung cancers is really the association of the specific disease, asbestosis and lung cancers; that only the confirmed presence of asbestosis potentially establishes asbestos as a contributing cause of lung cancer in a person with a significant smoking history; that absent asbestosis, asbestos does not cause an increased risk of lung cancers. Dr. Churg may testify that occupational exposure to asbestos without a confirmed diagnosis of asbestosis, provides no information about the cause of lung cancers and is not information supporting a conclusion that asbestos was a contributing factor in lung cancer. Dr. Churg may testify that pleural plaques, fiber burden counts and asbestos bodies also provide no information about the cause of lung cancers. Dr. Churg may testify as to what is asbestosis, whether there is an asbestos exposure threshold for asbestosis, what constitutes that threshold for asbestosis.

In addition, Dr. Churg may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Patrick M. Conoley, M.D.
Kelsey Seybold Clinic
6624 Fannin, Suite 1800
Houston, Texas 77030
(713) 791-8787

Dr. Conoley is a medical doctor and "B" reader who will testify concerning his review of radiographs and CT scans of Plaintiff or Decedent.

Dr. John E. Craighead
Department of Pathology
University of Vermont
Burlington, Vermont 05405
(802) 425-3480

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Craighead has not as yet prepared a report; if he does, a copy will be provided to Plaintiffs.

Dr. Craighead is a pathologist at the University of Vermont. He will testify generally about the evolution of asbestos disease; the pathology of asbestos-related diseases including those named as "Non-Routine"; the "state-of-the-art" of asbestos-related diseases; and, will testify about other areas of pulmonary pathology including, but not limited to, emphysema, carcinomas, and related matters.

Dr. Craighead will testify regarding the diagnosis and cause of plaintiffs' condition. He will discuss the differing physical, chemical and biological properties of various types of asbestos fibers, and will explain to the jury that chrysotile fibers are incapable of causing, or unlikely to have caused, plaintiffs' alleged condition. Dr. Craighead is expected to provide testimony in the following areas:

1. Anatomy and function of the respiratory and circulatory systems and the diagnosis and treatment of disease affecting such systems;
2. The nature of asbestos and asbestosis;
3. The symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
4. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
5. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system and other causes of obstructive and restrictive disease or defects of the respiratory system;
6. Methods of diagnosis of various diseases, particularly means of establishing the

differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;

7. Incidence of lung cancer among individuals with asbestosis or asbestos exposure without asbestosis, compared with non-asbestotic asbestos workers, non-asbestos exposed workers, and with the general population;
8. The import of any exhibit (including without limitation, corporate documents of defendants) introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witness;
9. Cigarette smoking and its effect on the lung and other organs;
10. The relative danger of these defendants' asbestos-containing products;
11. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
12. Difference between impairment and disability;
13. Effect of asbestosis, or asbestos exposure without asbestos, on disability and life expectancy;
14. Effect of pleural plaques or other pleural manifestations of asbestos exposure on lung function or life expectancy.
15. The lack of a relationship between pleural plaques and the development of any cancer.

In addition, Dr. Craighead may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. James Crapo
4650 South 4th Street
Englewood, Colorado 80110
(303) 221-6695

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr Crapo has not as yet prepared a report in this case; if he does, a copy will be provided to Plaintiffs.

Dr. Crapo is board certified in internal medicine with a subspecialty certification in pulmonary diseases. Dr. Crapo practices medicine at the National Jewish Medical Center in Denver, Colorado.

Dr. Crapo is expected to testify about the pulmonary aspects of asbestos exposure, including matters such as dose response, pathogenicity, carcinogenicity, and the potential for asbestos-related disease as a result of exposures to the different types of fibers. Dr. Crapo is expected to testify as to general medical issues and physiology.

Dr. Crapo is expected to testify about alleged occupational exposure—as described by plaintiffs’ witnesses—and whether such exposure could be considered a substantial contributing factor to plaintiff’s alleged disease.

Dr. Crapo is expected to testify about the principles of epidemiology and what is involved in an epidemiology study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups or occupations. Dr. Crapo is expected to testify as to the information necessary to determine the risks for a group of people or persons contracting an asbestos-related disease, and if it is scientifically possible to attribute a disease to a particular exposure. Dr. Crapo is expected to discuss epidemiological analysis of asbestos and how such analysis may be applied to the facts of a specific individual.

Dr. Crapo is expected to testify either live or by deposition concerning plaintiffs’ medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Crapo may also testify about asbestos and its effect on the pulmonary system, including the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Crapo is also expected to testify about any matter raised by experts called by Plaintiffs or Co-Defendants including, but not limited to, plaintiffs’ medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

In addition, Dr. Crapo may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Harry B. Demopoulos, M.D.
N.Y.U. Medical Center
Department of Pathology
550 First Avenue
New York, NY 10016

Dr. Demopoulos is a professor of pathology at New York University and Medical Center. Dr. Demopoulos may be expected to testify live or by deposition concerning the state of the available medical knowledge regarding asbestos-related disease at the relevant historical periods of time. Dr. Demopoulos may also testify concerning current medical knowledge regarding plaintiffs’ condition and asbestos-related disease.

Dr. Scott G. Donaldson
North.-Texas Pulmonary Associates
375 Municipal Drive, Suite 140
Richardson, Texas 75080
(972) 680-0666

Dr. Donaldson is a specialists in the area of respiratory diseases. Dr. Donaldson may testify as to all matters pertaining to his examination of plaintiff and/or review of plaintiff’s medical records, x-rays, and reports and supplemental reports of plaintiffs’ experts; any communications with plaintiff or plaintiff’s family members; the diagnostic criteria used to diagnose asbestos-related diseases; his opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions;

the Plaintiff's current medical condition and his prognosis thereof; the anatomy and function of the respiratory and circulatory systems; the natures of asbestos; the symptomology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos exposure; the affect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system; methods of diagnosis of various diseases, especially the means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases; incidence of lung cancer among individuals with asbestosis as compared to non-asbestotic asbestos workers and to the general smoking to cancer of the lung and cancers of other body parts with reference to epidemiology studies and physiologic affect; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; and the lack of relationship between the presence of pleural plaques and a later development of any form of cancer.

Sharon M. D'Orsie, Ph.D
Eagle Environmental Health, Inc.
2600 Southwest Freeway, Suite 810
Houston, Texas 77098-4614
(713) 523-2453

Dr. D.'Orsie will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

William L. Dyson, PhD, CIH
Workplace Hygiene, LLC
1022 Jefferson Road
P.O. Box: 49176
Greensboro, NC 27410
(336) 297-1642

Dr. Dyson is an industrial hygienist who will testify concerning the state of the knowledge concerning industrial hygiene practices concerning asbestos as it has existed from time to time. Dr. Dyson's C.V. is attached.

The above designated witnesses may also give testimony about the historical "state-of-the-art", the development of medical knowledge about asbestos, and presence or absence of medical consequences relating to low dose exposure to asbestos emanating from asbestos containing products. They may offer general testimony relating to the development of asbestos related disease, cigarette smoking, cancer of various organs, pneumonia, chronic obstructive lung disease, the pathology of cigarettes and asbestos, the pathogenesis of cigarette related diseases, and the pathogenesis of asbestos related diseases. These witnesses may also testify generally about specific abnormalities that might be in the medical records of the decedent. These witnesses may also testify about the presence or absence of health disease or health risks associated with exposure to low levels of asbestos emanating from asbestos containing products. They may also testify specifically about diseases, such as chronic obstructive pulmonary disease, even though they may not have seen decedent, or reviewed decedent's medical records.

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

Defendant reserves the right to call any person designated by any other party in this case as an expert witness, whether or not such party is still a party at the time of trial as well as all expert witnesses listed by Plaintiffs, custodians of records of any and all physicians, health care facilities, hospitals, clinics and health care providers who have treated or examined the Plaintiff in this case who may have records concerning the plaintiff, and any physician who has examined and/or treated Plaintiff not identified.

Brooks Emory, M.D.
Jefferson Hospital
New Orleans, LA

Dr. Emory is expected to testify either live or by deposition concerning plaintiffs' medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Emory may also testify about asbestos and its effect on the pulmonary system, including the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Emory is expected to testify about any matter raised by experts called by the Plaintiffs and Co-Defendants including, but not limited to, plaintiffs' medical condition, the state of medical knowledge concerning asbestos-related diseases and other occupational diseases.

I. Allen Feingold, M.D.
South Miami Hospital
7400 Southwest 62nd Avenue
Miami, Florida

Dr. Feingold is the Chief of the Division of Pulmonary Medicine at South Miami Hospital. He will testify as a state-of-the-art witness generally and with respect to asbestos-containing products. He may also testify concerning the physiological and radiological aspects of asbestos-related lung disease, including etiology, diagnosis, treatment, prognosis and epidemiology; the causes of lung cancer; the history of the medical science concerning our knowledge and understanding of asbestos and asbestos-related disease; fiber types, dose/response and threshold levels needed to produce disease; the relationship of asbestos exposure to other environmental factors and their comparative risks. Dr. Feingold will also testify that work with some asbestos-containing products does not result in dangerous asbestos fiber exposure and that any asbestos exposure from these products played no role in the genesis of Plaintiffs' lung disease, if any.

In addition, Dr. Feingold is expected to test about the various fiber release studies, performed at industrial hygiene laboratories, on the use of asbestos containing products.

Dr. Feingold may testify, in general, concerning asbestos related diseases and the effects of exposure to asbestos upon persons in occupational settings, including the epidemiology of asbestos related diseases and the criteria for diagnosis of an asbestos related disease. He may also testify regarding the existence or non-existence of any asbestos related disease in the Plaintiffs, including, but not

limited to pleural changes, asbestosis, lung cancer, mesothelioma, laryngeal cancer, esophageal cancer and stomach cancer. He may also testify on whether any asbestos related disease allegedly suffered by Plaintiffs was medically or proximately caused by exposure to asbestos containing gasket and packing products. He may also testify on the existence of a dose response relationship between exposure to asbestos and asbestos related disease. He may also testify on increased risk of cancer issues and whether a particular Plaintiff has a reasonable fear of cancer due to exposure to asbestos. He may also testify on the health consequences of smoking.

Gregory H. Foster, M.D., P.C.C.F.
North Texas Pulmonary Associates
375 Municipal Drive, Suite 214
Richardson, Texas 75080
(972) 680-0666

Dr. Foster is a specialist in the area of respiratory diseases. Dr. Foster may testify as to all matters pertaining to his examination of plaintiff and/or review of plaintiff's medical records, x-rays, and reports and supplemental reports of plaintiffs' experts' any communications with plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; his opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions; the Plaintiff's current medical condition and his prognosis thereof; the anatomy and function of the respiratory and circulatory systems; the natures of asbestos; the symptomology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos exposure; the affect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system; methods of diagnosis of various diseases, especially the means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases; incidence of lung cancer among individuals with asbestosis as compared to non-asbestotic asbestos workers and to the general smoking to cancer of the lung and cancers of other body parts with reference to epidemiology studies and physiologic affect; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; and the lack of relationship between the presence of pleural plaques and a later development of any form of cancer.

Douglas Fowler, Ph.D.
643 Blair Island Road, Number 305
Redwood City, California 94863

Dr. Fowler is an industrial hygienist who may testify live or by deposition concerning issues relating to plaintiff's theories of "fiber drift," issues relating to the threshold limit value, protective measures, plaintiffs' level of exposure to asbestos, and other industrial hygiene-related issues.

Dr. Richard Fraser
Montreal Chest Hospital Center

**Department of Pathology
3650 St. Urbain
Montreal, Quebec H2X2P4**

Dr. Fraser is a pulmonary pathologist. He has written extensively on the pathology of chest diseases. He is expected to testify generally about pathologic concepts of disease, the etiology and course of disease processes both related to asbestos and non-asbestos causes. He will also testify case specifically on his analysis of tissue samples and medical records.

**Dr. Edward A. Gaensler
63 Eucalyptus Knoll Road
Mill Valley, CA 94941**

Dr. Gaensler will testify about the pathology of asbestos related diseases, his research into asbestos related diseases, the carcinogenicity of various fiber types, and the relationship, if any, between asbestos and various diseases. Dr. Gaensler will testify about the epidemiology of asbestos related diseases, his statistical research, latency, state-of-the-art, and other related matters. Dr. Gaensler will testify about case specific testimony, where applicable. He will testify about the evolution of asbestos disease, cigarette related diseases, and other respiratory or systemic conditions, specifically carcinomas, seen either independently or in connection with either of the foregoing.

Robert Gay, Ph.D.

Dr. Gay is an environmental consultant and chemist. He may give testimony regarding the level of fiber release, if any, from gasket and packing products in the occupational setting. He may testify regarding threshold limit values and permissible exposure levels as promulgated by private organizations and governmental agencies. He may testify as to issues involving reentrainment and fiber drift. He may testify as to work practices regarding various types of occupations using products that contained asbestos. He may testify as to the applicability of the Environmental Protection Agency's guidelines as they relate to various types of products including gaskets and packings. He may testify as to exposure that may result from the use of other types of asbestos products.

**Elizabeth L. Green, PE.
Eagle Environmental Health, Inc.
2600 Southwest Freeway, Suite 810
Houston, Texas 77098-4614
(713) 523-2453**

Dr. Green will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

Kathryn A. Hale, M.D.
Assistant Professor of Medicine
Baylor College of Medicine and the Methodist Hospital
6550 Fannin
Smith Tower #1236
Houston, Texas 77030
(713) 790-2076

Dr. Hale is a specialist in the area of respiratory diseases. Dr. Hale may testify as to all matters pertaining to her examination of plaintiff and/or review of plaintiff's medical records, x-rays and reports and supplemental reports of plaintiffs' experts; any communications with plaintiff or plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; her opinions as to whether plaintiff suffers from asbestos-related diseases and the basis of such opinions; plaintiff's medical conditions. Dr. Hale may also testify regarding the anatomy and function of the respiratory and circulatory systems; the symptomatology, disease process and diagnosis of asbestosis and cancer of the respiratory systems, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fiber and the effect of exposure to substances other than asbestos in the development and manifestation of diseases of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related diseases with non asbestos-related disease; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effect on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the lack of relationship between pleural plaques and development of any cancer; the history of evolution and knowledge of asbestos-related diseases; the evolution of the medical community's awareness of the increased risks for an asbestos-related disease in cases of prolonged exposure. In addition, Dr. Hale may also offer various opinions relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. Russell Harley
MUSC-Pathology
Charleston, SC 29425

Dr. Harley is expected to provide testimony concerning the anatomic structure and functioning of the lung from a pathologic perspective, the defense mechanisms and functioning of the lung in health and otherwise, the responses of the lung to various stimuli, and the role of various components of the respiratory system in the proper functioning of the lung. Dr. Harley is expected to describe and distinguish various types of asbestos fibers; to describe the things which affect the ability of asbestos fibers to affect various structures within the respiratory system; and to describe the body's specific responses to fibers of asbestos that are inhaled, whether or not they are retained.

It is further believed that Dr. Harley will define and distinguish various conditions, such as asbestosis, pleural changes and other non-malignant changes that may be attributable in some persons to the results of long term inhalation and retention of some forms of asbestos fiber. Dr. Harley is further expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of

mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Harley is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products, and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Harley is also expected to testify that it cannot be said, to a reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual, without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, information concerning the individual's use of protective equipment, specific types of asbestos containing product(s) used and/or handled, resolution of questions regarding exposure to substances other than asbestos-containing products, and other known etiologies for whatever conditions are found to exist.

It is further expected that Dr. Harley's testimony will generally respond to the pathologic, scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot be specifically predicted.

In expressing his opinions, Dr. Harley will rely on his own training, education, experience, research and publications, as well as the published medical and scientific literature that has been available to him over his career.

Dr. Harley may testify as to the general medical aspects of the diagnosis and treatment of asbestos-related disease and the pathological effect of asbestos on the lung. He may also testify as to the relationship of asbestos exposure and the incidence of cancer.

Dr. Michael Henderson
330 Rittiman Road
San Antonio, TX 78209-2861

Dr. Henderson is a board certified oncologist. He will testify to general concepts regarding carcinogenesis, specifically in relation to asbestos and its alleged association with different forms of cancer.

Dr. Elliott Hinkes
301 N. Prairie #311
Englewood, California 9030
(310) 674-0050

Dr. Hinkes will testify in the field of pulmonary medicine and oncology and the state of knowledge as it existed from time to time relating to health effects of asbestos exposure. Dr. Hinkes may testify as to all matters pertaining to study and research concerning exposure to asbestos and its effect on the human body; as to exposure to asbestos in regard to the development of lung cancer, mesothelioma and other respiratory diseases; as to his examination and review of Plaintiff's medical records, history, x-rays, and pathology material; his expert opinion as to whether Plaintiff suffers from a respiratory disease and cause of such disease, including but not limited to asbestosis, lung cancer, mesothelioma and the basis for such opinion; and all other matters concerning Plaintiff's medical condition.

Dr. John R. Holcomb
4410 Medical Drive, Suite 440
San Antonio, TX 78229
(210) 692-9400

Dr. Holcomb will testify about asbestos and the diseases caused by asbestos generally. He may testify as to his review of the literature and the opinions and conclusions contained in that literature. He may testify regarding exposure levels of asbestos, at what level asbestos may cause disease, and as to when this was known in the medical and scientific literature. He may also testify as to his review of the documents entered into evidence into this case pertaining to the parties.

In addition, the above listed expert may testify live, or by deposition, concerning his examination of the Plaintiff and his review of the Plaintiff's medical records, x-rays, and bills for medical services and their diagnosis of injuries, if any. He may testify concerning asbestos, the effects of asbestos on the body and any other topics related thereto. Additionally, he may testify concerning Plaintiff's increased risk, if any, of mesothelioma and other malignancies as a consequence of his exposure to asbestos. He may also testify that Plaintiff's injuries, if any, and their relation, if any, to asbestos or to other factors.

Dr. Holcomb may also testify as to his review of chest x-rays. Additionally, he may testify concerning occupational diseases, generally, and asbestos-related disease, specifically. He may testify concerning Plaintiff's increased risk, if any, of developing an asbestos-related cancer as a consequence of his exposure to asbestos.

Dr. Holcomb may testify about the pulmonology aspects of asbestos exposure, criteria relating to diagnosis, including such matters as dose response, progression, and risk of cancer. He will testify about cancer risk in relation to asbestos exposure, dose response principals, etiologic aspects of asbestos and malignancy, attribution and apportionment of causation. He will testify about various studies and cancer risk including refinery, shipyard, and others.

Dr. Holcomb further is expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the appearance of chest radiographs in populations who also are alleged to be exposed to asbestos-containing products and, additionally, concerning how the effects of inhaled tobacco smoke and other factors can confound the appearance and/or result of radiographic studies.

He will also testify about the etiology of fibrotic lung disease, pulmonary aspects of asbestos caused or related disease processes and phenomenon, and the diagnosis, prognosis, measurement of impairment and causation of lung diseases from the pulmonologist perspective. He will testify about related disease and progression.

Beyond these matters, Dr. Holcomb is a witness appearing after the testimony of Plaintiff's expert at trial, in some measure his testimony may be responsive to evidence presented by the Plaintiff and cannot therefore be specifically predicted.

Venessa Holland, M.D., MPH, P.A.
Environmental Pulmonary Consultants
7515 South Main Street, Suite 670
Houston, Texas 77030
(713) 799-2224

Dr. Holland is a specialist in the area of respiratory diseases. Dr. Holland may testify as to all matters pertaining to her examination of plaintiff and/or review of plaintiff's medical records, x-rays, and reports and supplemental reports of plaintiffs' experts; any communications with plaintiff or plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; her opinions as to the existence of asbestos-related disease and the basis of such opinions; plaintiff's medical conditions; her prognosis with regard to such medical conditions; and, if applicable, her opinions as to the cause of death. Dr. Holland may also testify about general medical issues with emphasis on the respiratory system and the effect that asbestos and other substances have on human health generally and with respect to plaintiff specifically. Dr. Holland may testify concerning her examination and diagnosis of the physical condition of plaintiff and the relationship, if any, of such condition to plaintiff's exposure, if any, to asbestos.

Dr. Holland may also testify regarding the anatomy and function of the respiratory and circulatory systems; the symptomatology, disease process and diagnosis of asbestosis and cancer of the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fiber and the effect of exposure to substances other than asbestos in the development and manifestation of disease of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related disease with non asbestos-related diseases; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effects on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the lack of relationship between pleural plaques and development of any cancer; the history of evolution and knowledge of asbestos-related diseases; and the evolution of the medical community's awareness of the increased risks for an asbestos-related disease in cases of prolonged exposure.

Also, Dr. Holland May testify as to any issues raised by plaintiffs' experts within her field of expertise.

Dr. William G. Hughson
UCSD Center for Occupational &
Environmental Medicine
3500 Fifth Ave., Ste., 102
San Diego, California 92103-5020

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Hughson has not prepared a report in this case. If a report is prepared, it will be provided to plaintiffs counsel.

Dr. Hughson is board certified in pulmonology, internal medicine, and occupational medicine. Dr. Hughson also is an epidemiologist. Dr. Hughson practices medicine at the University of California, San Diego.

Dr. Hughson is expected to testify about certain encapsulated products (where the asbestos fibers are thoroughly blended and mixed with the encapsulating binder which prevents a significant release of fibers) in that he has reviewed information and studies regarding exposure levels experienced with certain work practices used with encapsulated products, and is familiar with the literature concerning low level exposures.

Dr. Hughson is expected to testify, based upon his review of the literature and of evidence of exposure, that exposure to certain encapsulated products was not a substantial contributing factor to plaintiffs' alleged asbestos-related disease. Dr. Hughson is expected to testify that the literature does not support a causal relationship between exposure to certain encapsulated products and the development of an asbestos-related disease. Dr. Hughson is expected to testify as to the ability of various types of fibers to cause disease and the properties of fibers that are believed to be necessary in order to cause disease.

Dr. Hughson is expected to testify generally about the pulmonary aspects of asbestos exposure, including matters such as dose response. Dr. Hughson is expected to testify about alleged occupational exposure and whether such exposure could be considered a substantial contributing factor to plaintiffs' alleged diseases.

Dr. Hughson is expected to testify about the principles of epidemiology and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups or occupations. Dr. Hughson is expected to testify as to the information necessary to determine the risks for a group of people or persons contracting an asbestos-related disease, and if it is scientifically possible to attribute a disease to a particular exposure. Dr. Hughson is expected to discuss epidemiological analysis of asbestos and how such analysis may be applied to the facts of a specific individual.

In addition, Dr. Hughson may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. Robert Jones
Tulane University Medical Center
2430 Tulane Avenue
New Orleans, LA

Dr. Jones is a specialist in pulmonary medicine. Dr. Jones is a pulmonologist who is currently a staff physician at Tulane Medical Center Hospital and a Professor of Medicine at Tulane University School of Medicine in New Orleans, Louisiana. Dr. Jones is expected to testify either live or by deposition concerning plaintiffs' medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases of the pulmonary system. Dr. Jones may also testify about asbestos and its effect on the pulmonary system, including the diagnosis and prognosis of asbestos-related markers and diseases, and the risks associated with developing cancers. Dr. Jones is also expected to testify about any matter raised by experts called by the Plaintiffs or Co-Defendants including, but not limited to, plaintiffs' medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases.

Dr. Gerald R. Kerby
Kansas University Medical Center
Pulmonary Division
Kansas City, Kansas 66103

Dr. Kerby is a pulmonologist at Kansas University Medical Center. He will testify regarding general pulmonary physiology and medicine, including lung cancer and mesothelioma. It is his opinion that, although asbestos may be found in the lung tissue, mesothelioma may not be caused by that asbestos.

Dr. Marvin Kushner
Dean, Medical School
Health Sciences Center
SUNY, Stony Brook
Stony Brook, N.Y. 11794

Dr. Kushner is a pathologist. He will testify about the evolution of the pathology regarding asbestos, the evolution of the pathology regarding lung cancer, potential explanations for the development of cancer, and other questions. Dr. Kushner may also testify about "State-of-the-Art" matters as they relate to asbestos associated diseases.

Arthur Langer, Ph.D.
Institute of Applied Sciences
Brooklyn College of the City University
New York, New York
(718) 951-4793

Dr. Langer is a mineralogist with a Ph.D. from Columbia University. He is a Professor of mineralogy at City University, New York, New York and Director of the Environmental Sciences Laboratory of the Institute of Applied Sciences a Brooklyn College of the City University of New York.

Dr. Langer is expected to identify and describe the various methods by which inorganic material from aerosols, bulk samples or tissue may be analyzed chemically, crystallographically and structurally.

Dr. Langer is expected to testify about the various types of asbestos fiber, the geographic locations where the fibers can be found, the potential biologic activity of the various fibers in the human lung (including inorganic toxicity), the physical and chemical characteristics of the various asbestos fibers, and the identification and characterization of asbestos fibers.

Dr. Langer is expected to testify as to the types of inorganic minerals found in the lung tissue of persons with malignant mesothelioma and which are associated with the incidence of malignant mesothelioma in humans. He is expected to identify the types of fibers that have been shown to create an increased risk for malignant mesothelioma. Dr. Langer is expected to testify as to the physical and chemical characteristics of the fibers that have been shown to create an increased risk of malignant mesothelioma.

Dr. Langer is expected to testify as to the potential for certain finished asbestos containing products to be contaminated with inorganic minerals and the amounts of the types of trace contaminants that may be found in the products. Dr. Langer is expected to offer testimony as to the amount of contaminants that are found in finished asbestos-contaminated products, if any, and the chemical, crystallographic and structural composition of the contaminants that can be generated from a finished product, if any.

Dr. Langer is expected to testify, based upon his review of the literature and of evidence of exposure, that exposure to certain encapsulated products did not result in a release of any contaminants sufficient to cause disease in persons such as plaintiff's decedent. Dr. Langer is expected to testify that his work and the literature, do not establish that certain encapsulated products are contaminated with tremolite asbestos.

Dr. Langer may review the pathology, slides and other records available in this case and perform a fiber burden analysis. Dr. Langer will report on his findings as to whether there could have been an occupational exposure to asbestos.

In addition, Dr. Langer may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Richard J. Lee, Ph.D.
R.J. Lee Group, Inc.
350 Hochberg Road
Monroeville, PA 15146

Dr. Lee is expected to testify about the development of scientific knowledge and techniques regarding the measurement of levels of asbestos in the air and in lung tissue. Dr. Lee may comment upon techniques used by plaintiffs' experts to generate and analyze air, dust and lung tissue samples and conclusions drawn therefrom. Dr. Lee may also testify concerning the propensity of gasketing materials to release fibers and the specific fiber levels generated therefrom during normal use.

Daniel Lehane, M.D.
6550 Fannin, Suite 2225
Houston, Texas 77030
(713) 790-0257

Dr. Lehane is a oncologist who may have reviewed applicable pathology, x-rays, and/or records on Plaintiff. Dr. Lenane may also have performed various studies, including staining, digestion, etc... to the extent that he will be used on any individual plaintiff, he has or will have issued a report and/or supplemental reports stating his findings and conclusions. He is expected to testify regarding his stated findings and conclusions. Additionally, he may testify about oncology, general asbestos medicine (including asbestos medical literature), and medicine in general.

Larry R. Liukonen, CIH,, CSP
5990 Scandia Lane
Burleson, X 76028
(817) 453-0382

Mr. Liukonen is a certified industrial hygienist. He will offer opinions based on information provided, his education, knowledge of asbestos and asbestos related diseases, industrial hygiene and experience as a practicing industrial hygienist. In addition, he may offer opinions that exposure to asbestos fibers resulting from the use or removal of gasket or packing material is none or alternatively insufficient to cause or contribute to any asbestos related disease.

James E. Lockey, M.D., M.S.
Institute of Environmental Health
University of Cincinnati Medical Center
Clinical Studies Division
5251 Medical Science Bldg., M.L. 182
231 Bethesda Ave.
Cincinnati, Ohio 45267-0182

Dr. Lockey is a pulmonologist who is expected to testify either live or by deposition concerning plaintiffs' medical condition, cigarette smoking and lung disease, and generally about the pulmonary system and its functions as well as conditions and diseases, and the risks associated with developing cancers. Dr. Lockey is also expected to testify about any matter raised by experts called by the Plaintiffs and Co-Defendants including, but not limited to, plaintiffs' medical condition, the state of medical knowledge concerning asbestos, asbestos-related disease and other occupational diseases. Dr. Lockey may also be expected to testify concerning the state of the available medical knowledge

regarding asbestos related disease at the relevant historical periods of time. Included in his testimony will be discussion of the respiratory system, asbestos-related disease, and the effect of other substances on the respiratory system. Dr. Lockey will give factual testimony concerning his knowledge of relevant facts, as well as, an express opinions within his field of knowledge. He may also provide opinions on the probably time period(s) of asbestos exposure with relation to the causation of the disease mesothelioma. In doing so, he will also provide percentages of probability of causation for exposure to asbestos from first exposure to last exposure. As a basis for opinion, he will rely in part upon scientific papers published by Peto, Seidman and Selikoff, Morgan and Lampshear, among others.

Stacy Mills
University of Virginia
Health Systems
Department of Pathology
Box 214
OMS-Bldg.
Charlottesville, Virginia 22908

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Mills has not as yet prepared a report; if she does, a copy will be provided to Plaintiffs.

Dr. Mills is expected to provide testimony concerning the anatomic structure and functioning of the lung from a pathologic perspective, the defense mechanisms and functioning of the lung in health and otherwise, the response of the lung to various stimuli, and the role of various components of the respiratory system in the proper functioning of the lungs. Dr. Mills is expected to describe and distinguish various types of asbestos fibers; to describe the tings which affect the ability of asbestos fibers to affect various structures within the respiratory system; and to describe the body's specific responses to fibers of asbestos that are inhaled, whether or not they are retained.

It is further believed that Dr. Mills will define and distinguish various conditions, such as asbestosis, pleural changes and other non-malignant changes that may be attributable in some persons to the results of long term inhalation and retention of some forms of asbestos fiber. Dr. Mills is further expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some population and the mortality and/or incidence of some forms of cancer.

Dr. Mills is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products, and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Mills is also expected to testify that it cannot be said, to a reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, information concerning the individual's use of protective equipment, specific types of asbestos containing product(s) used and/or handled, resolution of questions regarding exposures to substances other than asbestos-containing products, and other known etiologies for whatever condition are found to exist.

It is further expected that Dr. Mills' testimony will generally respond to the pathologic scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependant upon the prior testimony of such experts and cannot be specifically predicted.

In addition, Dr. Mills may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. W.K.C. Morgan
Chest Disease Unit
University Hospital
339 Windermere Road
P.O. Box 5339, Postal Station A
London, Ontario N6A 5A5

Dr. Morgan is a pulmonologist. He will testify about the evolution of asbestos disease, the diseases involving cigarette smoking, and other diseases which are often seen in association with either of the foregoing.

Dr. Morgan is a professor of medicine and director of chest diseases services at the University of Western Ontario. He was educated in England and Scotland, and among other appointments is a member of the Advisory Board for Occupational Health and Safety Resource Centre at the University of Western Ontario.

Dr. Morgan may testify live or by deposition concerning the state of the available knowledge regarding asbestos-related disease at the relevant historical periods of time. Dr. Morgan may also testify concerning current medical knowledge regarding plaintiff's condition and asbestos-related disease.

Dr. Brooke T. Mossman
Pathology Department
Medical Alumni Building
Room A151, University of Vermont
Burlington, Vermont 05405

Dr. Mossman is a Ph.D. who engages in research in Burlington, Vermont, where she is associated with the university of Vermont. She has performed substantial research into questions relating to

the interaction between human lung tissue and asbestos. Specifically, she has performed in vitro studies on human lung tissue and asbestos both within and without the presence of cigarette carcinogens. She will testify about that research and her conclusions and opinions related thereto.

John A Pendergrass, CIH, CSP, PE
6700 Milkhouse Court
Mobile, AL 36695
(334) 607-0946

Mr. Pendergrass is a certified industrial hygienist. He will offer opinions based on information provided, his education, knowledge of asbestos and asbestos related diseases, industrial hygiene and experience as a practicing industrial hygienist over a fifty year period. He will testify regarding state of the art issues and the historical development of knowledge about the toxicity of asbestos and exposure limits designed to protect the health of workers exposed to asbestos and the relative responsibility of the employers of such workers.

Jack E. Peterson, P.E.
Peterson Associates
2830 Via Viejas Oeste
Alpine, California 91901
(619) 445-9668

Dr. Peterson will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure. Dr. Peterson will testify concerning industrial hygiene issues including threshold limit values, historical review and state of the art of pulmonary medicine and asbestos-related conditions. He may also provide opinions on the probable time period(s) of asbestos exposure with relation to the causation of the disease mesothelioma. In doing so, he will also provide percentages of probability of causation for exposure to asbestos from first exposure to last exposure. As a basis for his opinion, he will rely in part upon scientific papers published by Peto, Seidman and Selikoff, Morgan and Lampshear, among others.

Sheldon Rabinovitz
Sandler Occupational Associates
966 Hungerford Dr., Suite 20
Rockville, MD 20852

The following statement of expected testimony has been prepared by counsel to comply with the expert witness disclosure requirements under Georgia Law. The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Rabinovitz has not prepared a report for this case.

Defendant is not aware of all of the areas of testimony or proof that plaintiff intends to produce at

trial and, therefore, defendant cannot proffer all expected testimony until it has had the benefit of reviewing all of plaintiff's expert's reports and opinions. To the extent that a witness expresses an opinion at trial or in discovery that has not been divulged prior to the time that this statement was served on counsel, and which creates a need for additional areas of rebuttal testimony or proof, defendant reserves the right to supplement this statement.

Dr. Rabinovitz is a certified industrial hygienist and toxicologist. He is employed at SOMA, and is a past employee of EPA and NIOSH. A copy of his C.V. will be provided.

Dr. Rabinovitz is expected to testify about the principles of industrial hygiene and the factors that are important to industrial hygiene studies both currently and historically. He is expected to testify as to the manner in which experts can use current and historical industrial hygiene data and how the data should be interpreted in specific cases.

Dr. Rabinovitz has reviewed available documents, depositions, and exhibits with respect to Armstrong World Industries, Inc., and is expected to testify as to the reasonableness of the industrial hygiene practices employed by AWI in the past to protect its workers. Dr. Rabinovitz is familiar with the historical state of the art practices and the information available in the medical and scientific literature. Dr. Rabinovitz is expected to testify as to the reasonableness of the industrial hygiene practices employed by AWI in relation to the historical knowledge of the scientific and medical communities. Dr. Rabinovitz is expected to testify that in the past AWI acted reasonable in the manufacture and sale of its products.

James Rasmuson
Chemistry and Hygiene, Inc.
4251 Kipling Suite 110
Wheat Ridge, Colorado 80033

Mr. Rasmuson is expected to testify in the areas of industrial hygiene and toxicology, including without limitation, retrospective exposure assessment, health risk assessment, substantial exposure factors, the relative and absolute exposure potentials of various asbestos products to produce dust, industrial hygiene and environmental standards and their basis, control technology and process specific aspects of exposure, analytical chemistry, chemistry, asbestos related measurement techniques, general industrial hygiene issues including the effects of ventilation and distance on exposure, and related subjects. He may also testify on the state of the art in the fields of industrial hygiene and toxicology concerning occupational and non-occupational asbestos exposures in earlier years. He may also calculate the possible percentage ranges of asbestos exposure from products. He may calculate the probability that any plaintiff would have contracted disease in the absence of exposure to various products. He may also perform other appropriate risk calculations and compare a plaintiff's alleged exposure to the industrial hygiene standards of the alleged time period. He may render various opinions relevant to *Daubert/Havner/Robinson* analysis.

Dr. Joseph J. Renn
Internal Medicine Associates, Inc.

**99 J.D. Anderson Drive
Morgantown, WV 26003**

Dr. Renn is a pulmonologist. In addition to case specific testimony where applicable; he will testify generally about medical matters related to the chest, asbestos-related diseases, diseases which are related to cigarette smoking, and other pulmonary problems which are often seen either independently or in association with any of the foregoing. Dr. Renn may also testify about the medical literature and its related matters.

**Dr. Nathaniel F. Rodman
West Virginia University School of Medicine
Office of the Chairman
Department of Pathology, Room 2187
Morgantown, West Virginia 26506**

Dr. Rodman is a pathologist. He will testify about the evolution of asbestos disease, diseases related to cigarette smoking, and diseases which were seen often, but not necessarily, in relation to the foregoing.

**Victor L. Roggli, M. D.
Department of Pathology
Duke University, Medical Center
Durham, North Carolina 27710
(919) 286-0411**

Dr. Roggli is a specialist in pulmonary pathology. He will testify as to all matters pertaining to the plaintiff's medical records; his examination of the plaintiff if he has made such an examination; if he has personal knowledge of such and any communication with the plaintiff or plaintiff's family; his review of x-rays of the plaintiff; the diagnostic criteria used to diagnose an asbestos related disease; his opinion as to whether plaintiff suffers from asbestos related diseases and the basis for such opinion; plaintiff's current medical condition and prognosis; and he may testify that asbestos exposure does not cause stomach or small bowel cancer.

It is further expected that Dr. Roggli's testimony will generally respond to the pathologic, scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot be specifically predicted.

In expressing his opinions, Dr. Roggli will rely on his own training, education, experience, research and publications, as well as the published medical and scientific literature that has been available to him over his career.

**Robert M. Ross, M.D., FCCP
6550 Fannin Street, Suite 2403**

**Houston, Texas 77030
(713) 383-6100**

Dr. Ross is a specialist in the area of respiratory diseases. Dr. Ross may testify as to all matters pertaining to his examination of plaintiff and/or review of plaintiff's medical records, x-rays, and reports and supplemental reports of plaintiffs' experts; any communications with plaintiff or plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; his opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions; plaintiff's medical conditions; his prognosis with regard to such medical conditions; and, if applicable, his opinions as to the cause of death. Dr. Ross may also testify about general medical issues with emphasis on the respiratory system and the effect that asbestos and other substances have on human health generally and with respect to plaintiff specifically. Dr. Ross may testify concerning his examination and diagnosis of the physical condition of plaintiff and the relationship, if any, of such condition of plaintiff's exposure, if any, to asbestos.

Dr. Ross may also testify regarding the anatomy and function of the respiratory and circulatory systems; the symptomatology, disease process and diagnosis of asbestosis and cancer of the respiratory systems, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fiber and the effect of exposure to substances other than asbestos in the development and manifestation of diseases of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related diseases with non asbestos-related diseases; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effect on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the lack of relationship between pleural plaques and development of any cancer; the history of evolution and knowledge of asbestos-related diseases; and the evolution of the medical community's awareness of the increased risks for an asbestos-related disease in cases of prolonged exposure.

In addition, Dr. Ross may testify about issues relevant to a *Dauber/Havner/Robinson* Analysis.

**Dr. Jonathan M. Samet
Pulmonary Division
Department of Medicine
University of New Mexico
Albuquerque, NM 87131**

Dr. Samet is an internist and epidemiologist. He is expected to testify generally about the relationship between asbestos, cigarette smoking and lung cancer, and generally about the epidemiology of disease.

Dr. Robert Sawyer
149 Prospect Avenue
Guilford, CT 06437

Dr. Sawyer is an industrial hygienist who is expected to testify regrading fiber release from various products, threshold limit values, and dose values for disease.

Dr. Sawyer may further testify, in general, concerning asbestos related diseases and the effects of exposure to asbestos upon persons in occupational settings, including the epidemiology of asbestos related diseases and the criteria for diagnosis of any asbestos related disease. He may also testify regarding the existence or non-existence of any asbestos related disease in the plaintiffs, including, but not limited to pleural changes, asbestosis, lung cancer, mesothelioma, laryngeal cancer, esophageal cancer and stomach cancer. He may also testify on whether any asbestos related disease allegedly suffered by plaintiffs was medically or proximately caused by exposure to asbestos containing gasket and packing products. He may also testify on the existence of a dose response relationship between exposure to asbestos and asbestos related disease.

He may also testify on increased risk of cancer issues and whether a particular plaintiff has a reasonable fear of cancer due to exposure to asbestos. He may also testify on the health consequences of smoking. With respect to particular plaintiffs, he may testify as to review and interpretation of x-ray films, review and interpretation of pulmonary function testing, the nature and extent of any impairment or disability, whether the condition is progressive and whether other diseases or conditions are present in plaintiffs.

Dr. Sawyer's testimony will be based on his training, experience, education, and review of the medical literature concerning asbestos related disease.

Dr. Robert Shephard
University of Texas Medical Branch at Tyler
11937 U.S. Hwy 271
Tyler, Texas
(903) 877-7100

Dr. Shephard is a "B" reader and may testify regarding the radiographs of the Plaintiffs. Further, he may also offer opinions and/or rebuttal testimony as necessary to Plaintiff's experts' claims and related topics.

Dr. Russell P. Sherwin
Department of Pathology
USC School of Medicine
Los Angeles, California 90033
(323) 442-1165

Dr. Sherwin may also testify in the field of pulmonary medicine and the results of his examination

of the records and radiographs regarding Plaintiffs. He will testify as to whether the alleged injuries of the Plaintiffs can be attributed to asbestos exposure or not, based on the medical and scientific literature.

Upon review of Plaintiffs' medical records and pathology materials, Dr. Sherwin may testify about Plaintiffs' medical conditions and its causes. His testimony may include a discussion of asbestos and its effects on human health generally and on the Plaintiffs' conditions specifically and the effect of other substances on human health generally and on the Plaintiffs' condition specifically. Dr. Sherwin may testify regarding the increased risk of cancer faced by individuals who smoke cigarettes or other tobacco products and the link between smoking and cancer. He may testify about the relationship between asbestos exposure and cancer and the methods by which it can be determined whether a particular cancer is related to asbestos exposure. He may apply these principles to Plaintiffs' cases.

Sidney Shindell, M.D., LLB
Medical College of Wisconsin
8701 Watertown Plank Road
Milwaukee, Wisconsin 53226

Dr. Shindell is a physician. He will testify generally about the evolution of asbestos disease; the pathology of asbestos-related diseases including those named as "Non-Routine"; the "state-of-the-art" of asbestos-related diseases; and, will testify about other areas of pulmonary pathology including, but not limited to, emphysema, carcinomas, and related matters.

Dr. Shindell will testify about his personal experience in the development of the history of asbestos related medicine and the medical literature and his impressions of 1964 being a "watershed" as it relates to asbestos disease.

Dr. Shindell will testify regarding the differing physical, chemical and biological properties of various types of asbestos fibers, and will explain to the jury that chrysotile fibers are incapable of causing, or unlikely to have caused, plaintiffs' alleged condition.

Dr. Shindell may provide testimony in the following areas:

1. Anatomy and function of the respiratory and circulatory systems and the diagnosis and treatment of disease affecting such systems;
2. The nature of asbestos and asbestosis;
3. The symptomatology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system peritoneum and peritoneal cavity;
4. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
5. The effect of exposure to substances other than asbestos, such as tobacco, on the

development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system and other causes of obstructive and restrictive disease or defects of the respiratory system;

6. Methods of diagnosis of various diseases, particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos related diseases;
7. Incidence of lung cancer among individuals with asbestosis or asbestos exposure without asbestosis, compared with non-asbestotic asbestos workers, non-asbestos exposed workers, and with the general population;
8. The import of any exhibit (including without limitation, corporate documents of defendants) introduced as evidence, or any items prepared for use or used for demonstrative purposes by any witness;
9. Cigarette smoking and its effect on the lung and other organs;
10. The relative danger of these defendants' asbestos-containing products;
11. The relationship of cigarette smoking to cancer of the lung and cancers of the other sites with reference to epidemiological studies and physiologic effect;
12. Difference between impairment and disability;
13. Effect of asbestos, or asbestos exposure without asbestosis, on disability and life expectancy;
14. Effect of pleural plaques or other pleural manifestations of asbestos exposure on lung function or life expectancy;
15. The relative carcinogenicity of chrysotile asbestos relative to the other forms of asbestos;

Dr. Shindell is expected to testify as to the ability of various types of fibers to cause disease and the properties of fibers that are believed to be necessary in order to cause disease. He is expected to testify that Chrysotile asbestos fibers are not expected to produce an increase risk to mesothelioma

Dr. Shindell is expected to testify about certain encapsulated products (where the asbestos fibers are thoroughly blended and mixed with the encapsulating binder which prevents a significant release of fibers) in that he has reviewed information and studies regarding exposure levels experienced with certain work practices used with encapsulated products, and is familiar with the literature concerning low level exposures.

Dr. Shindell is expected to testify, based upon his review of the literature and of evidence of exposure, that exposure to certain encapsulated products was not a substantial contributing factor

to plaintiffs' alleged asbestos-related disease. Dr. Shindell is expected to testify that the literature does not support a causal relationship between exposure to certain encapsulated products and the development of an asbestos-related disease.

Dr. Shindell is expected to testify generally about the pulmonary aspects of asbestos exposure, including matters such as dose response. Dr. Shindell is expected to testify about alleged occupational exposure and whether such exposure could be considered a substantial contributing factor to plaintiffs' alleged diseases.

Dr. Shindell is expected to testify that as exposure to asbestos have diminished since the inception of the OSHA standards, the extent and number of cases of asbestosis have been and are expected to continue to diminish.

Dr. Shindell is expected to testify about the principles of epidemiology and what is involved in an epidemiologic study. He is expected to testify that studies of particular groups or occupations of people are not necessarily applicable to other groups of occupations. Dr. Shindell is expected to testify as to the information necessary to determine the risks for a group of people or persons contracting an asbestos-related disease, and if it is scientifically possible to attribute a disease to a particular exposure. Dr. Shindell is expected to discuss epidemiological analysis of asbestos and how such analysis may be applied to the facts of a specific individual.

Dr. Shindell is expected to testify that cigarette smoking is the chief cause of lung cancer, that almost all of the lung cancers in America occur in present or ex-smokers, and that one cannot develop lung cancer related to asbestos exposure unless there is underlying asbestosis.

Dr. Shindell is expected to testify that the earlier exposure to asbestos are, if sufficient, the principal cause of the disease and not later exposures.

Dr. Shindell is expected to testify that in at least 33% of mesotheliomas, asbestos exposure cannot be found.

Dorsett Smith, M.D.
4310 Colby Avenue
Everett, Washington 98203

Dr. Smith is an internal medicine physician with a sub-speciality in pulmonary disease and "B" reader who may testify concerning the review of the radiographs and CT scans, if any, of the Plaintiff or Decedent. Dr. Smith may also testify in the field of occupational and pulmonary medicine and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure. Dr. Smith may also testify based on experience and on knowledge of applicable literature, regarding the known relationship or lack of relationship between asbestos exposures and certain diseases. He may also render various opinions relevant to a *Daubert/Havner/Robinson* Analysis.

Mr. John W. Spencer, CIH, CSP
Environment Profiles, Inc.
813 Frederick
Baltimore, Maryland 21228

Mr. Spencer will testify in the field of industrial hygiene and the state of knowledge as it existed from time to time relating to the health effects of asbestos exposure.

Gail D. Stockman, M.D., Ph.D.
Longview Pulmonary Consultants
703 East Marshall, Suite 4002
Longview, Texas 75601
(903) 753-0787

Dr. Stockman is a specialist in the area of respiratory diseases. Dr. Stockman may testify as to all matters pertaining to her examination of plaintiff and/or review of plaintiff's medical records, x-rays, and reports and supplemental reports of plaintiffs' experts; any communications with plaintiff or plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; her opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions; plaintiff's medical conditions; her prognosis with regard to such medical conditions; and, if applicable, her opinions as to the cause of death. Dr. Stockman may also testify about general medical issues with emphasis on the respiratory system and the effect that asbestos and other substances have on human health generally and with respect to plaintiff specifically. Dr. Stockman may testify concerning her examination and diagnosis of the physical condition of plaintiff and the relationship, if any, of such condition of plaintiff's exposure, if any, to asbestos.

Dr. Stockman may also testify regarding the anatomy and function of the respiratory and circulatory systems; the symptomatology, disease process and diagnosis of asbestosis and cancer of the respiratory systems, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos fibers and the effect of exposure to substances other than asbestos in the development and manifestation of diseases of the respiratory system; the methods of diagnosis and means of establishing the differential diagnosis of asbestos-related diseases with non asbestos-related diseases; the incidence of lung cancer in the general population and those individuals exposed to asbestos; cigarette smoking and its effect on the lungs; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; the history of evolution and knowledge of asbestos-related diseases; and the evolution of the medical community awareness of the increased risks for asbestos-related disease in cases of prolonged exposure.

Dr. Stockman may testify regarding the historical review and state of the art of pulmonary medicine and asbestos-related conditions; the state of scientific and medical art and the history and knowledge of asbestos-related disease in general; and epidemiology and general medicine regarding asbestos exposure. Dr. Stockman may provide opinions on the probable time period(s) of asbestos exposure with relation to the causation of various disease processes. In doing so, Dr. Stockman may also provide percentages of probability of causation for exposure to asbestos from first exposure to last

exposure.

In addition, Dr. Stockman may offer opinions relevant to a *Daubert/Havner/Robinson* Analysis.

Hans Weill, M.D.
Tulane University - School of Medicine
1700 Perdido Street
Second Floor
New Orleans, Louisiana 70112

Dr. Weill is a pulmonary specialist. Dr. Weill will testify generally about asbestos-related diseases and diseases of the lungs, chest, respiratory system and other organs of the body. He may offer general testimony relating to cigarette smoking, cancer of various organs, cancer risk associated with cigarette smoking, asbestos exposure and other causative factors, and the pathogenesis and diagnosis of disease, including asbestos-related diseases. Dr. Weill may testify as to the various types of asbestos fibers and their role in the causation of disease. He may also testify as to state-of-the-art medical as it relates to knowledge of health hazards associated with exposure to asbestos-containing dust in varying doses and in varying industries, based on his review of asbestos-related literature, and his own experience. Dr. Weill may testify specifically about plaintiffs' medical condition by relating these general principles to plaintiffs' or plaintiffs' decedents' specific medical history through review of records, x-rays, or by hypothetical.

Dr. Hans Weill, may testify, in general, concerning asbestos related diseases and the effects of exposure to asbestos upon person in occupational settings, including the epidemiology of asbestos related diseases and the criteria for diagnosis of an asbestos related disease. He may also testify regarding the existence or non-existence of any asbestos related disease in the plaintiffs, including but not limited to pleural plaques, asbestosis, lung cancer, mesothelioma, laryngeal cancer, esophageal cancer and stomach cancer.

He may also testify on whether any asbestos related disease allegedly suffered by plaintiffs was medically or proximately caused by exposure to asbestos containing gasket and packing products. He may also testify on the existence of a dose response relationship between exposure to asbestos and asbestos related disease. He may also testify on increased risk of cancer issues and whether a particular plaintiff has a reasonable fear of cancer due to exposure to asbestos. He may also testify on the health consequences of smoking. With respect to particular plaintiffs, he may testify as to review and interpretation of x-ray films, review and interpretation of pulmonary function testing, the nature and extent of any impairment or disability, whether the condition is progressive and whether other disease or conditions are present in plaintiffs.

Dr. Weill's testimony will be based on his training, experience, education, and review of the medical literature concerning asbestos related disease.

In addition, Dr. Weill may testify about issues relevant to a *Daubert/Havner/Robinson* Analysis.

Dr. Frank Weir
14334 Schroeder Road
Houston, TX 77070-3232
(832) 237-7502

Dr. Weir is expected to testify in the field of pharmacology, toxicology and industrial hygiene, generally, and particularly as they relate to asbestos fiber exposure in various work places. Also may offer testimony that it is improbable, and scientifically unlikely that plaintiff ever received physiologically meaningful exposures to asbestos fibers. He may also testify regarding the knowledge of the toxicology and appreciation for the hazards relating to the use of asbestos-containing materials at various intervals of time that are of interest in this matter.

Dr. Weir may also respond to testimony of certain witnesses offered at the time of trial. He therefore reserves the right to supplement, amend or to otherwise modify the opinions to be offered accordingly. He will continue to review material which may come to his attention regarding this material. Dr. Weir may utilize this material to develop additional opinions and conclusions or modify his opinions and conclusions if such further evidence of information so warrants.

Dr. Weir may testify as to state-of-the-art of the hazards of asbestos insulation products and the conduct of various industries and companies based on that knowledge.

Dr. Weir's opinions will be based upon his education, experience and professional training, his review of relevant medical, epidemiological, scientific and technical literature, and his review and analysis of the case specific materials provided to him concerning this matter. He may also render various opinions relevant to a *Dauber/Havner/Robinson* Analysis.

Dr. William Weiss
3912 Netherfield Road
Philadelphia, Pennsylvania 19129

Dr. William Weiss is expected to testify about the evolution of asbestos disease, his knowledge of pulmonary lung disease of all varieties, the "state-of-the-art" of the development of knowledge regarding cigarettes and disease, the relationship between cigarette smoking and pulmonary fibrosis, the nature and evolution of x-ray work, his knowledge of x-rays as a "b" reader and related matters.

Mark Wick
University of Virginia
Health Systems
Department of Pathology
Box 214
OMS-Bldg., Room 3882
Charlottesville, Virginia 22908
(804) 924-9038

The words and language used in this statement are the words and language of counsel who prepared the statement, and not of the witness. Dr. Wick has not as yet prepared a report; if he does, a copy will be provided to Plaintiffs.

Dr. Wick is expected to provide testimony concerning the anatomic structure and functioning of the lung from a pathologic perspective, the defense mechanisms and functioning of the lung in health and otherwise, the responses of the lung to various stimuli, and the role of various components of the respiratory system in the proper functioning of the lung. Dr. Wick is expected to describe and distinguish various types of asbestos fibers; to describe the things which affect the ability of asbestos fibers to affect various structures within the respiratory system; and to describe the body's specific responses to fibers of asbestos that are inhaled, whether or not they are retained.

If it is further believed that Dr. Wick will define and distinguish various conditions, such as asbestosis, pleural changes and other non-malignant changes that may be attributable in some persons to the results of long term inhalation and retention of some forms of asbestos fiber. Dr. Wick is further expected to be able to testify concerning the circumstances under which exposure to certain forms and types of asbestos may be associated with the incidence of some forms of mesothelioma in some persons, and will testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Wick is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease in populations who are also alleged to be exposed to asbestos containing products and additionally concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Wick is also expected to testify that it cannot be said, to reasonable degree of medical probability, that any hypothetical person's alleged "exposure" to products that may have contained asbestos was of importance to that individual without reference to that specific person's individual work history, medical history, findings on physical examination and pathological examination of tissue, if any, information concerning the individual's use of protective equipment, specific types of asbestos containing product(s) used and/or handled, resolution of questions regarding exposures to substances other than asbestos-containing products, and other known etiologies for whatever conditions are found to exist.

It is further expected that Dr. Wick's testimony will generally respond to the pathologic, scientific and epidemiologic testimony which may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot be specifically predicted.

The above designated witnesses may also give testimony about the historical "state-of-the-art", the development of medical knowledge about asbestos, and presence or absence of medical consequences relating to low dose exposure to asbestos emanating from asbestos containing products. They may offer general testimony relating to the development of asbestos related disease, cigarette smoking, cancer of various organs, pneumonia, chronic obstructive lung disease, the pathology of cigarettes and asbestos, the pathogenesis of cigarette related diseases, and the

pathogenesis of asbestos related diseases. These witnesses may also testify generally about specific abnormalities that might be in the medical records of the decedent. These witnesses may also testify about the presence or absence of health disease or health risks associated with exposure to low levels of asbestos emanating from asbestos containing products. They may also testify specifically about diseases, such as chronic obstructive pulmonary disease, even though they may not have seen decedent, or reviewed decedent's medical records.

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

Defendant reserves the right to call any person designated by any other party in this case as an expert witness, whether or not such party is still a party at the time of trial as well as all expert witnesses listed by Plaintiffs, custodians of records of any and all physicians, health care facilities, hospitals, clinics and health care providers who have treated or examined the Plaintiff in this case who may have records concerning the plaintiff, and any physician who has examined and/or treated Plaintiff not identified.

Otto Wong, Sc.D., F.A.C.E.
Applied Health Science, Inc.
181 Second Avenue
Suite 628
San Mateo, CA 94401

Dr. Wong is a Board-certified epidemiologist and a fellow of the American College of Epidemiology. He is expected to testify regarding the history and development of scientific and medical knowledge about asbestos-related disease, the epidemiology of asbestos diseases, and increased risk of cancer and life-shortening problems not related to asbestos exposure. He is also expected to testify as to the status of epidemiological studies regarding asbestos-related diseases.

CAUSE NO. 01-00887-B

TIMOTHY CLAUD MCMURROUGH, ET AL	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
U.S. GYPSUM COMPANY, ET AL	§	44TH JUDICIAL DISTRICT

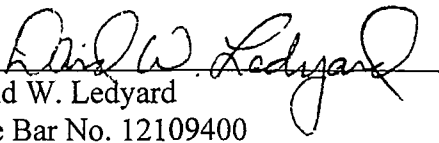
**EXXON MOBIL CORPORATION'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
REQUEST FOR PRODUCTION, AND REQUEST FOR ADMISSIONS**

TO: Plaintiff, JAMES C. MCMURROUGH, et al by and through his attorney of record,
Stephanie Finch, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas,
Texas 75219-4281.

COMES NOW EXXONMOBIL CORPORATION, one of the Defendants in the above styled
cause, and makes and files its Objections and Responses to Plaintiff's First Set of Interrogatories,
Request for Production, and Request for Admissions Propounded to Premises Defendants.

Respectfully submitted,

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

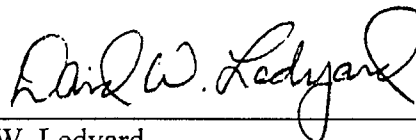

David W. Ledyard
State Bar No. 12109400

14th Floor, San Jacinto Building
Beaumont, Texas 77701-3255
(409)981-1000
(409)981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
EXXONMOBIL CORPORATION

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of ExxonMobil Corporation's Response to Plaintiffs' Interrogatories, Request for Admissions and Request for Production has been forwarded to counsel for plaintiff, by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this day 23rd of May, 2001.

A handwritten signature in cursive script, reading "David W. Ledyard", written over a horizontal line.

David W. Ledyard

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 work product privilege in violation of Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are defined 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 defined 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 Plaintiff's apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has 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 matter" 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 lead 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 term "years at issue" as the definition assumes that Plaintiff worked on the premises of Defendant for the entire period reflected in the definition, which is denied. Any request for admission or production utilizing this term is overly broad, burdensome

and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5. Defendant objects to the stated definition of the terms "products containing asbestos fiber", "asbestos containing products" and "asbestos products" on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER:

Defendant objects to this interrogatory to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5.

Without waiving the foregoing objections, Defendant responds as follows: These responses were prepared based on information gathered by defense counsel along with assistance of in-house counsel and other legal staff.

INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

- a. asbestosis
- b. lung cancer
- c. mesothelioma

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant answers that it is impossible to know in an organization the size of this Defendant exactly what year it would have obtained this kind of information.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant has been a member of the National Safety Council since 1944, American Chemistry Council (f/k/a MCA and CMA) since 1938 and the American Petroleum Institute since 1949.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant answers that it is impossible to know in an organization the size of this Defendant exactly which employees attended which meetings of this sort.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises at Issue during the years Plaintiff has indicated he worked at Defendants Premises at Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant answers that it is impossible to know in an organization the size of this Defendant exactly what year it would have obtained this kind of information.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises at issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated

- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed

- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections:

Corporate Medical Directors

Robert Collier Page (deceased)
Ralph Schneider, M.D. (deceased)
Norbert Roberts, M.D. (deceased)
Thomas McDonough, M.D. (deceased)

Chief Industrial Hygienists

James Hammond (retired)
Roger Florky (deceased)

Defendant, or its predecessor, has had a medical department since 1918. Defendant, or its predecessor, has had a safety program since the late 1920's. Defendant, or its predecessor, has had an industrial hygiene program since 1947.

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "hazards of asbestos" and "dangers inherent inhalation" as vague and ambiguous and a response is impossible without speculation as to the meaning of these terms.

INTERROGATORY NO. 11:

If Defendant has or had or maintained in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff

allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and

- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "hazards of asbestos" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant responds as follows: See "Dust Producing Operations in the Production of Petroleum Products and Associated Activities" by Rob Bonsib (1937), the transcript of Hammond from Allen vs. American Petrofina, and Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards before OSHA. See also the transcript of Clyde Berry from Allen vs. American Petrofina. This material has been provided to Plaintiff's Counsel in prior litigation. Defendant has no records of when respirators were first used at any of its facilities but Roy Bonsib, prior Chief Safety Inspector of Standard Oil Company (NJ) reports the use of respirators in 1937. The respirators provided included the M.S.A "Comfo" or Wilson dust respirator, which was approved by the Bureau of Mines.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience

and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

RESPONSE TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in-logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's-Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 8:

Please produce all documents containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 9:

Please produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises At Issue in the vicinity of asbestos-containing products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant has no such documents.

REQUEST FOR PRODUCTION NO. 11:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, please produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see documents produced to Plaintiff's counsel in other prior litigation.

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts".

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see documents produced to Plaintiff's counsel in other prior litigation.

REQUEST FOR PRODUCTION NO. 13:

Please produce all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 14:

Please produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiffs Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant does not yet have enough information to finalize its possible defenses, and is unable to respond at this time.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 16:

Please produce all documents used, referred to or relied upon in answering any Interrogatories.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant is relying on Plaintiff's Petition and deposition testimony at this time.

REQUEST FOR PRODUCTION NO. 17:

Please produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating

bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 18:

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that that (sic) were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see documents produced to Plaintiff's counsel in other prior litigation.

REQUEST FOR PRODUCTION NO. 20:

Please produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "hazards of asbestos" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant responds that the information requested is in the public domain and equally accessible to Plaintiff.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant answers that it is does not have any information on Plaintiff.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant answers that it is does not have any information on Plaintiff.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant will supplement this response.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises at Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, Defendant objects to the extent that it is not limited to the facilities at which Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege,

the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions^{ns}, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "hazards of asbestos" and "health hazards" as vague and ambiguous and a response is impossible without speculation as to the meaning of these terms.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "health hazards" as vague and ambiguous and a response is impossible without speculation as to the meaning of this phrase.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which

you contend are relevant to any of Defendant's enumerated defenses Defendant's most recently filed Answer.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant will identify witnesses and trial exhibits at such time as the court may require.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "hazards of asbestos" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 35:

Please produce a copy of all regulations, orders, rules and/or policies which have been used relating to the safety of the Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant responds that the information requested is in the public domain and equally accessible to Plaintiff.

REQUEST FOR PRODUCTION NO. 36:

Please produce all documents which contain complaints by employees of Defendant at the Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 37:

Please produce all documents which contain complaints by Union representatives of Defendant's Premises At Issue regarding safety conditions and work place conditions at the Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 39:

Please produce all documents which evidence Defendant's net worth, including, but not limited to, all "10-K" forms filed for the last five (5) years.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that

included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, byway of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 44:

Please produce all indemnity agreements, assignments of liability, subrogation agreements and other similar documents relating to Defendant's Premises At Issue and liabilities arising from said ownership.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence TRCP 192.3(a).

Without waiving the foregoing objections, Defendant has not located any documents responsive to this request to date regarding the claims made the basis of this suit.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant responds that it knows of no such products or documents.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "manipulation or handling of asbestos" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in any way to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that

it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant has no such documents.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see documents produced to Plaintiff's counsel in other prior litigation.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant has no such documents.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in anyway any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see documents produced to Plaintiff's counsel in other prior litigation.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant has no such documents.

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

RESPONSE TO REQUEST FOR ADMISSIONS AND PRODUCTION

REQUEST FOR ADMISSION NO. 1:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as the term "utilized" is vague, ambiguous and subject to multiple interpretations in the context of the suit.

Without waiving the foregoing objections, it is admitted that Defendant "utilized" certain asbestos containing products at certain location at certain times.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. To the extent this request is intended to encompass all areas of Defendant's premises including those where Plaintiff did not work, this request is overly broad and irrelevant.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing

admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 62:

Admit that results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue:

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR PRODUCTION NO. 63:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 4:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 5:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 6:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Admit that you did not post a warning, caution or hazard signs concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 9:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 10:

Admit that you specified the use of asbestos-containing materials at Defendant's Premises At Issue prior to or during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 11:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that there were asbestos containing products at certain location at certain times.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that there were asbestos containing products at certain location at certain times.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that there were asbestos containing products at certain location at certain times.

REQUEST FOR ADMISSION NO. 14:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that there were asbestos containing products at certain location at certain times.

REQUEST FOR ADMISSION NO. 15:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrase "health and safety procedures" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrase "health and safety procedures" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrase "health and safety meetings" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrase "health and safety meetings" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that

most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 21:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 23:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably

calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 28:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 29:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not to provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on

Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that

most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 33:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that

it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that

most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that

it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that

most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 39:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 40:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that

it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that

most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 42:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 43:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that

it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 65:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor

agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably

calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 45:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer what materials to use when doing the work

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the

extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 50:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the

extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making this request vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation. Further, this request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power" as vague and ambiguous and a response is impossible without speculation as to the meaning of this terms.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 53:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "observed" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 54:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "inspected" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 55:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "approved" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 56:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to specific time periods when Plaintiff allegedly worked on Defendant's premises, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "retained the power to control" as vague and ambiguous and a response is impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant denies this request.