



IN RE: ALL ASBESTOS-RELATED *
PERSONAL INJURY OR * IN THE DISTRICT COURTS
DEATH CASES FILED BY *
BARON & BUDD, P.C. OR * DALLAS COUNTY, TEXAS
TO BE FILED BY BARON *
& BUDD, P.C. IN DALLAS * 191ST JUDICIAL DISTRICT
COUNTY, TEXAS *

**KELLY MOORE PAINT COMPANY'S RESPONSES TO
- REQUESTS FOR PRODUCTION OF PLAINTIFFS**

TO: Plaintiffs, by and through their attorneys of
record, Mr. Peter A. Kraus, Baron & Budd,
3102 Oak Lawn Avenue, Suite 1100, Dallas,
Texas 75219-4281

Pursuant to the Texas Rules of Civil Procedure, defendant,
Kelly Moore Paint Company, submits and files its responses to
request for production as follows.

Respectfully submitted,

ORGAIN, BELL & TUCKER, L.L.P.
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Beaumont, Texas 77701
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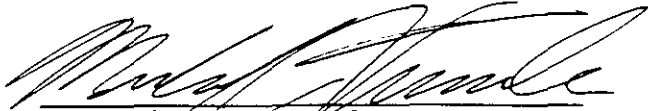
BY: 

Michael J. Pruncale
State Bar No. 20258125

ATTORNEYS FOR DEFENDANT,
KELLY MOORE PAINT COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing has been served upon all interested counsel of record on this the 19th day of May, 1995.


Michael J. Truncale

RESPONSES ARE AS FOLLOWS:

Kelly-Moore Paint Company, Inc., [hereinafter referred to as Kelly-Moore] will to the best of its abilities gather non-privileged documents into a document repository for inspection by plaintiffs' counsel in response to the Request for Production served in asbestos litigation. Kelly-Moore offers to make available these documents at a mutually convenient time at its offices at 987 Commercial Lane, San Carlos, California 94070.

General Objections:

Kelly-Moore objects to the manner in which the plaintiffs have defined Kelly-Moore [referred to defendant, you, your, your company] as meaning all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates, including present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate defendant or its predecessors, subsidiaries, and/or affiliates." Since Kelly-Moore is the named defendant, this definition is overly broad and would require Kelly-Moore to engage in unduly burdensome research, divulge privileged information, and produce privileged documents. Kelly-Moore responds to these requests on behalf of itself.

Kelly-Moore further objects to these requests to the extent that they seek information or documents protected from discovery by the attorney-client privilege, the work product privilege, the party communication rule, the joint defense privilege, the witness statement privilege, and to the extent they seek trial preparation or consulting expert materials or documents. Finally, Kelly-Moore objects to these requests to the extent they ask for identification of voluminous documents on the grounds that they are overly broad, unduly burdensome, subject defendant to unnecessary expense, are harassing, and not reasonably

calculated to lead to the discovery of admissible evidence. As set forth herein, Kelly-Moore will produce documents which are the proper subjects of appropriate document requests. All objections stated herein are asserted and adopted as to each of the following responses to plaintiffs' requests for production if so noted.

Defendant KELLY-MOORE PAINT COMPANY, INC. objects to these interrogatories and document production request on the grounds that they contain prefaces, instructions and definitions not within the body of the interrogatory or document category.

GENERAL OBJECTIONS

The following objections are raised as to each and every request for production propounded in this set:

A. Defendant KELLY-MOORE objects on the grounds these requests are overly broad as to time and scope, are burdensome, and are not reasonably calculated to lead to discovery of admissible evidence, as the requests seek information that covers a time period of 60 years and request defendant to assimilate documents and information that may or may not have been retained over such a period of time.

B. Furthermore, defendant KELLY-MOORE does not waive any objections it has now or may have in the future concerning these Interrogatories. By answering this set of Interrogatories, defendant KELLY-MOORE does not waive any of its rights or remedies.

Without waiving said objections, defendant KELLY-MOORE PAINT COMPANY, INC. hereby responds to plaintiffs' Requests for Production as follows:

1. All correspondence, memoranda, sales, brochures, photographs and any other written or recorded material or documents of any kind directed to or received from manufacturers, suppliers or distributors of asbestos-containing products that are or have been in your possession.

RESPONSE: Defendant asserts the general objections previously made and further objects that the Request for Production is overly broad, vague, ambiguous, uncertain, not narrowly tailored in time or scope, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to these objections, any documents which plaintiff can establish which are relevant to this litigation will be made available for inspection at a mutually convenient time at Kelly-Moore's offices. Kelly-Moore Paint Company has in its possession approximately 88 boxes of documents. These documents contain different types of information, including sales journals, invoices, asbestos shipments to PACO, invoices from Johns-Manville, invoices from Union Carbide, invoices from E. S. Browning Company, an asbestos distributor, and invoices from Cary Canada. Additionally, we have documentation that pertains to sales reps reports, tonnage reports, and related information. Any party is welcome, on reasonable notice and at a mutually convenient time, to review and inspect the documentation at the Kelly-Moore Paint Company, located at 987 Commercial Street, San Carlos, California.

2. All documents of any kind or character in Defendant's possession and if available, a legible copy of the date stamp indicating when such items were received by Defendant which discuss, refer, allude to or relate in any way to the health effects of exposure to asbestos received by Defendant before 1980.

RESPONSE: Defendant asserts the general objections previously made and further objects on the grounds that is compound, overly broad, vague, ambiguous, uncertain, not narrowly tailored in time or scope, or reasonably calculated to lead to the discovery of admissible evidence. Furthermore, responding defendant objects on the grounds that the documents sought by plaintiff, which may have been produced by various governmental regulatory agencies, are equally accessible to the plaintiff, and as such this category is burdensome, oppressive, and harassing.

Subject to and without waiving the objections previously made, defendant states: See response to request no. 1.

3. All documents which instruct, recommend or suggest how asbestos-containing products made, manufactured, assembled, fabricated, sold or distributed by Defendant should be prepared, applied, installed and/or maintained.

RESPONSE: Defendant asserts the general objections previously made and further objects to this category on the grounds that it is compound, overly broad, vague, ambiguous, uncertain, not narrowly tailored in time or scope, or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the objections previously made, defendant states that it has an exemplar of packaging for products, containers, and documents describing its products at 1015 Commercial Street, San Carlos, California. Photos of the packaging are attached as a response to request no. 6.

4. All documents or other materials including x-rays, MRI's, Cat Scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery which have been collected by Defendant in the course of discovery and/or will be used by Defendant at time of trial and/or will be relied upon by any of Defendant's experts.

RESPONSE: Defendant asserts the general objections previously made and would further object that the request for production is overly broad, vague, ambiguous, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding said objection, this responding defendant is unaware of the identity of all of the plaintiffs in this litigation. Likewise, this responding defendant is not aware of the medical history of any and all plaintiff(s) in this action, and it is therefore premature for this defendant to identify any document or things, including x-rays, MRIs, CT-scans, or other materials, which may be used at the time of trial.

5. All documents in Defendant's possession relating to insurance or insurance coverage or proceeds that would or could indemnify Defendant for any losses sustained as a result of the cause of action brought by these Plaintiffs.

RESPONSE: Defendant asserts the general objections previously made and would further object that the request is overly broad, vague and ambiguous, and seeks documents which, if any exist, may be protected by the attorney-client/work-product privilege.

Subject to these objections and without waiving the same, see documents attached.

6. Any and all photographs of any asbestos-containing products manufactured, sold or distributed by Defendant, including such products that are packaged at the time the photograph was taken and products that were not packaged at the time the photograph was taken.

RESPONSE: Defendant asserts the general objections previously made and would further object to this request on the grounds that it is compound, unintelligible, vague, ambiguous, overly broad, burdensome, oppressive, harassing, speculative, and seeks documents which, if any exist, may be protected by the attorney-client/work-product privilege.

Subject to and without waiving these objections, photos of the packaging are attached.

7. A photograph or photocopy of any warning labels, if any, that were provided or placed on any asbestos-containing product or any packaging for any asbestos-containing product manufactured, sold and/or distributed by Defendant.

RESPONSE: Subject to the general objections previously made, see response to request no. 6.

8. Any and all documents reflecting profits made from the sale, distribution or marketing of any products manufactured by the Defendant that contained any amount of asbestos or asbestos fibers.

RESPONSE: None.

9. Any documents relating to the design, preparation or introduction into the market or stream of commerce of any asbestos-containing products manufactured, sold or distributed by the Defendant. These documents include, but are not limited to, written memoranda, specifications, recommendations, blueprints and other written materials of any kind or character.

RESPONSE: Defendant asserts the general objections previously made and would further object that the request is overly broad, vague and ambiguous, not limited to time, scope or geographic location, and is burdensome, oppressive and harassing, not reasonably calculated to lead to the discovery of admissible evidence, and it seeks information that is a protected property right and/or confidential trade secret.

10. Any and all documents reflecting or relating to testing, preparation for tests and/or the results of tests conducted to determine potential health hazards resulting from the use of materials including, but not limited to asbestos, contained in asbestos-containing products before such products were first manufactured, sold or distributed by the Defendant. This Request specifically includes, but is not limited to, any written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character related to the testing of any of Defendant's asbestos-containing products prior to their initial sale or distribution.

RESPONSE: Defendant asserts the general objections previously made and further objects to this category on the grounds it is compound, vague, ambiguous, overly broad, uncertain, not limited to time, scope, geographic location, and is burdensome, oppressive, and harassing. Furthermore, this responding defendant objects to this request on the grounds that these documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to these objections and without waiving the same, defendant states that no such document exist.

11. Any and all documents related in any way to testing of Defendant's asbestos-containing products after the products had first been released, sold, distributed or marketed. This Request includes, but is not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the potential health hazards of Defendant's asbestos-containing products or of the asbestos contained in such products.

RESPONSE: Defendant asserts the general objections previously made and would further object that the request is overly broad, vague, and ambiguous in that it does not refer to a limited scope of testing and, by not being properly limited, it is not reasonably calculated to lead to the discovery of admissible evidence, and it is not limited to time, scope, geographic location, and is burdensome, oppressive, and harassing. Furthermore, this responding defendant objects to this category on the grounds that these documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to these objections and without waiving the same, defendant states that defendant does not know of the location or existence of any responsive documents.

12. Any printed material, including brochures, pamphlets, catalogues, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products manufactured, sold and/or distributed by the Defendant.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that the request is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. This request is not narrowly tailored and is not limited in time, scope or geographic location.

Subject to and without waiving to objections stated above, responding defendant KELLY-MOORE PAINT COMPANY, INC. states that it has an exemplar of packaging for products, containers, and documents, describing its products at 1015 Commercial Street, San Carlos, California. See also response to request for production no. 6 and attached response.

13. Any and all written agreements, or documents reflecting or related to such agreements, for the distribution, marketing and/or sale of Defendant's asbestos-containing products by an entity other than Defendant or its subsidiaries, predecessors or related companies.

RESPONSE: Defendant asserts the general objections previously made and would further object to this category on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the objections previously stated, defendant states that no documents exist.

14. Any documents, books, pamphlets, memoranda, articles 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 and that have been maintained in the possession of Defendant.

RESPONSE: Defendant asserts the general objections previously made and would object that the request is overly broad, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence, and unduly burdensome, especially to the extent that it seeks written materials that is protected by the attorney-client/work product/party communication privileges since such materials may have been collected during the course of asbestos litigation.

Subject to these objections and without waiving the same, defendant states that it does not believe responsive documents,

if any, exist in its possession. Kelly Moore would refer plaintiffs to government and regulatory agencies which published these types of materials in or around 1978, which are equally accessible to the plaintiffs.

15. Any publications, minutes, circulars, magazines or reports, published, written or disseminated by any trade organization or association comprised of other manufacturers, miners, marketers and/or sellers of products containing asbestos to which Defendant belonged at any time within the last fifty (50) years.

RESPONSE: Defendant asserts the general objections previously made and would further object to this category on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege. Additionally, responding defendant objects on the grounds that this category is speculative and seeks information which is equally accessible to the plaintiff, if any such documents exist.

Subject to and without waiving the objections previously stated, defendant states no responsive documents exist in Kelly Moore's possession.

16. Any and all documents reflecting any agreements, or stating any agreements to which Defendant was a party, to purchase asbestos or products containing asbestos from any other company or entity.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the objections previously made, defendant states that it does have invoices from Union Carbide, Cary Canada, Johns-Manville, and E. S. Browning, their distributor as noted in response to request for production no. 1.

17. Any printed sales materials prepared by Defendant or any of its subsidiary or predecessor companies or other agents for purposes of marketing, advertising and/or assisting sales of any products containing asbestos that were manufactured, sold or distributed by Defendant.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the objections previously made, non-privileged, responsive documents, if any, will be made available to the plaintiff at a mutually convenient time at Kelly-Moore's offices located at 1015 Commercial Street, San Carlos, California.

18. Any and all written documentation relating to or stating the results of any studies or surveys including incorporating or stating the proposition that asbestos products or products containing asbestos could be manufactured or designed so as to eliminate potential health hazards to persons working with or using them.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no responsive documents are known to exist.

19. Any and all documents reflecting or stating a "re-branding" agreement between Defendant and any other company at any time within the last fifty (50) years.

RESPONSE: Defendant asserts the general objections previously made and further would object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the objections previously made, defendant states that no documents exist.

20. Any and all documents relating to workers' compensation claims or workers' compensation lawsuits brought against Defendant or any of its compensation carriers that allege that an individual contracted a disease from inhaling asbestos fibers or from inhaling unknown dust fibers.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence, and violative of present or past employees right to privacy guaranteed by Article I, Section I, of the California Constitution. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney/client work product privilege.

Subject to and without waiving the objections previously stated, defendant is not aware of the existence of responsive documents, if any.

21. Any and all documents reflecting the minutes of corporate meetings of any kind or nature, whether of boards of directors, departments, or otherwise, which reflect or relate to asbestos, asbestos health hazards or asbestos products.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the objections previously stated, defendant states that there are no responsive documents.

22. Any and all invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale, use or distribution of asbestos or asbestos-containing products.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. These documents, if any exist, are protected by California Civil Code section 3294. Furthermore, this responding defendant objects to this category on the grounds that the

documents, if any exist, are protected by the attorney/client work product privilege.

Subject to and without waiving the objections previously stated, defendant responds by making reference to response to request for production no. 1.

23. Any and all documents reflecting the acquisition through purchase, reorganization or merger of another company by Defendant that manufactured, sold, processed, distributed or supplied asbestos or products containing asbestos at any time within the last forty (40) years.

RESPONSE: Defendant asserts the general objections previously made and would object that the request for production is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Responding defendant further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

24. Any and all documents reflecting any studies, or the results of any studies, designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by your workers and/or those otherwise exposed to your company's asbestos-containing products.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the general objections previously stated, defendant states that it is unaware of the existence of responsive documents.

25. Any and all documents related in any way to the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists.

RESPONSE: Defendant asserts the general objections previously stated and further objects on the basis that the request is unduly burdensome and the requested documents are equally available to the plaintiffs by other means.

Responding defendant objects to this category on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to these objections and without waiving the same, defendant states that it has no responsive documents.

26. Any and all documents reflecting or related to any tests, or the results of any tests, that Defendant ever made or completed, or had made or completed on its behalf, or reviewed, related to the quantity, quality or threshold limit values, of asbestos dust or particles to which workers were exposed while using, working with or around, manufacturing or fabricating or installing asbestos-containing products manufactured by Defendant.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to the objections previously stated and without waiving the same, defendant states that responding defendant conducted, or caused to be conducted, tests and/or studies of ambient asbestos dust created during the manufacture, processing and/or assembling of asbestos-containing products at 987 Commercial Street in San Carlos, California. The date(s) of such testing is unknown. The location of any documents, which may or may not be in existence, is unknown.

27. Any and all documents reflecting written guidelines or instructions or otherwise indicating in any way the purpose, nature and/or accomplishments of any research department established by Defendant or any independent company that contracted with Defendant to provide research services at any time within the last fifty (50) years.

RESPONSE: Defendant asserts the general objections previously stated and further objects that the request is overly broad, vague, ambiguous, and unduly burdensome [especially to the extent it is not limited to research involving asbestos containing projects], and is not reasonably calculated to lead to the discovery of admissible evidence.

Further, responding defendant objects to this category on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible. Furthermore, this responding defendant objects on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to the objections previously stated and without waiving the same, defendant states that it is not aware of documents which may exist and are responsive.

28. Any and all documents reflecting written guidelines or instructions or otherwise indicating in any way the purpose, nature, advice and/or accomplishments of any medical department established by Defendant or any independent company that contracted with Defendant to provide medical services or advice at any time within the last fifty (50) years.

RESPONSE: Defendant asserts the general objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously stated, defendant states that no responsive documents exist.

29. Any and all documents reflecting or relating to the recall of any asbestos-containing products from the market or stream of commerce by Defendant or related to a decision by Defendant to cease manufacturing, fabricating, selling and/or distributing products containing asbestos.

RESPONSE: Defendant asserts the general objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously stated, defendant states that no responsive documents exist.

30. Any and all documents reflecting the physical or chemical composition, makeup or breakdown of any and all asbestos-containing products or components of products manufactured, sold and/or distributed by the Defendant.

RESPONSE: Defendant asserts the general objections previously stated and further objects that the request invades a property right and/or trade secret of the defendant.

Further, responding defendant objects to this category on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney/client work product privilege.

Subject to and without waiving the above objections, defendant states that it has limited responsive documents kept in storage boxes and files in storage rooms at 987 Commercial Street in San Carlos, California. Any party is welcome, on reasonable notice and at a mutually convenient time, to review and inspect the documentation at the above address.

31. Any and all documents related to the disposition or settlement of any claims for workers' compensation benefits against Defendant or Defendant's workers' compensation carrier that alleged an injury from inhalation of asbestos fibers or exposure to asbestos-containing products or dust of an unspecified origin.

RESPONSE: Defendant asserts the general objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney/client work product privilege.

Subject to and without waiving the objections previously made, Kelly-Moore states that no documents exist.

32. Any and all documents reflecting the receipt of raw asbestos or the receipt of products containing asbestos by Defendant, including but not limited to, the date or dates they were received or shipped, the amounts received or shipped or other information regarding shipment of raw asbestos or asbestos-containing products to or by Defendant.

RESPONSE: Defendant asserts the general objections previously stated and further objects that the request is unduly burdensome and subjects the defendant to unnecessary expense. Defendant

further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney/client work product privilege.

Subject to and without waiving said objections, responding defendant has limited documents kept in storage boxes and files in storage rooms at 987 Commercial Street in San Carlos, California, that may be responsive. Any party is welcome, on reasonable notice and at a mutually convenient time to review and inspect responsive documents at the above address.

33. Any and all documents related in any way to Defendant's discovery, initial comprehension or first learning that asbestos and exposure to asbestos fibers can cause asbestosis.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

34. Any and all documents related in any way to Defendant's discovery, first learning or initial comprehension that asbestos and exposure to asbestos fibers can cause pleural thickening.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

35. Any and all documents related in any way to Defendant's discovery, first learning or initial comprehension that asbestos and exposure to asbestos fibers can cause lung cancer.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative.

Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

36. Any and all documents related in any way to Defendant's discovery, first learning or initial comprehension that asbestos and exposure to asbestos fibers can cause types of cancer other than lung cancer.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

37. Any and all documents related in any way to Defendant's discovery, first learning or comprehension that asbestos and exposure to asbestos fibers can cause mesothelioma.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

38. Any and all documents reflecting or related to Defendant's policies concerning employee safety and the avoidance of accidents, including, but not limited to, safety brochures, guidelines, bulletins, publications, safety meeting minutes and/or safety guidelines.

RESPONSE: Defendant asserts the objections previously stated and further objects on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence and is speculative. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/ work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no non-privileged documents exist.

39. Any documents related to work accidents sustained by any of Defendant's employees involving the inhalation of fumes, gases or dusts and safety guidelines related to such inhalation including, but not limited to, all accident reports or other written materials related in any way to injuries resulting from such inhalations.

RESPONSES: Defendant asserts the general objections previously made and further asserts that the request is overly broad, unduly burdensome, and is not reasonably calculated to lead to the discovery of admissible evidence.

Furthermore, this responding defendant objects on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the above objections, defendant states that no responsive documents exist.

40. Any documents reflecting or related to Defendant's right to contractual indemnity or indemnification from any person, corporation or business entity for any damages or potential damages, sustained or that could be sustained, or lawsuits that might or could be filed as the result of Defendant's manufacture, sale and distribution of any products containing asbestos.

RESPONSE: Defendant asserts the general objections previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the general objections previously made, defendant makes reference to response to request for production no. 5.

41. Any chart of an organizational nature demonstrating Defendant's relationship with its subsidiaries (both foreign and domestic), predecessors and any other related companies or entities from 1930 the present.

RESPONSE: Defendant asserts the general objection previously made and would further object on the grounds that it is compound, uncertain, vague, ambiguous, overly broad, not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this responding defendant objects to this category

on the grounds that the documents, if any exist, are protected by the attorney-client/work-product privilege.

Subject to and without waiving the general objections previously made, defendant states that no documents exist which satisfy the request.

IN RE: ALL ASBESTOS-RELATED *
PERSONAL INJURY OR * IN THE DISTRICT COURTS
DEATH CASES FILED BY *
BARON & BUDD, P.C. OR * DALLAS COUNTY, TEXAS
TO BE FILED BY BARON *
& BUDD, P.C. IN DALLAS * 191ST JUDICIAL DISTRICT
COUNTY, TEXAS *

KELLY MOORE PAINT COMPANY'S RESPONSES TO
REQUESTS FOR PRODUCTION OF PLAINTIFFS

ATTACHMENT FOR REQUEST
FOR PRODUCTION NO. 5

KELLY-MOORE PAINT COMPANY, INC.
Summary of Liability Policies
January 1, 1956 - October 1, 1964

Insurer	Policy Number	Type of Liability Coverage	Amount of Coverage	Remarks
1/1/56 - 1/1/57 Zurich Insurance Company*	87-25-771	Auto & Gen. Liability	Unverified	
1/1/57 - 1/1/58 Zurich Insurance Company*	88-32-064	Auto & Gen. Liability	Unverified	
1/1/58 - 1/1/59 Zurich Insurance Company*	89-34-346	Auto & Gen. Liability	Unverified	
1/1/59 - 1/1/60 Zurich Insurance Company*	80-39-250	Auto & Gen. Liability	Unverified	
1/1/60 - 1/1/61 Zurich Insurance Company*	81-01-368	Auto & Gen. Liability	Unverified	
1/1/61 - 1/1/62 Zurich Insurance Company*	82-55-990	Auto & Gen. Liability	Unverified	
1/1/62 - 1/1/63 Zurich Insurance Company*	83-26-627	Auto & Gen. Liability	Unverified	
1/1/63 - 1/1/64 Zurich Insurance Company	84-24-080	Auto & Gen. Liability	R.I. 500,000/1,000,000 P.D. Auto 50,000 P.D. Other 50,000/100,000	
1/1/64 - 1/1/65 Zurich Insurance Company	84-27-219	Auto & Gen. Liability	R.I. 25,000/100,000** P.D. Auto 50,000 P.D. Other 50,000	

*Policy unavailable at present time. A copy has been requested from the carrier.

**We believe there is an umbrella policy for this year, but we have been unable to locate it at present.

KELLY-MOORE PAINT COMPANY, INC.

Summary of Liability Policies
January 1, 1956 - October 1, 1984

Insurer	Policy Number	Type of Liability Coverage	Amount of Coverage	Remarks
1/1/65 - 1/1/66 Insurance Company of North America*	HLP 08-94-90	Auto & Gen. Liability	Unverified	Assume it is for 50,000/100,000 - 50,000
1/1/66 - 1/1/67 Insurance Company of North America* Insurance Company of North America	HLP 10-47-38 XBC 5650	Auto & Gen. Liability Umbrella	50,000/100,000 - 50,000 1,000,000	
1/1/67 - 1/1/68 Insurance Company of North America Insurance Company of North America	CAL 3-13-56 XBC 5650	Auto & Gen. Liability Umbrella	50,000/100,000 - 50,000 1,000,000	
1/1/68 - 1/1/69 Insurance Company of North America Insurance Company of North America	CAL 4-85-71 XBC 5650	Auto & Gen. Liability Umbrella	50,000/100,000 - 50,000 1,000,000	
1/1/69 - 1/1/70 Insurance Company of North America Insurance Company of North America	CAL 4-85-71 XBC 22366	Auto & Gen. Liability Umbrella	100,000/300,000 - 50,000 1,000,000	
1/1/70 - 1/15/71 Hartford Insurance Company Hartford Insurance Company	55C 308925 55C 308925	Auto & Gen. Liability Umbrella	100,000/300,000 - 50,000 1,000,000	Cancelled 1/15/71 According to note in file to be added to primary policy by audit - cancelled 12/1/70
12/1/70 - 1/15/71 American Home	BE 267-42-74	Umbrella	1,000,000	Cancelled 1/15/71
1/15/71 - 1/15/72 U.S. Fire Insurance Company North River Insurance Company	CA 28 30 99 DCL 917542	Auto & Gen. Liability Umbrella	500,000 5,000,000	1,000 deductible on products
1/15/72 - 1/15/73 U.S. Fire Insurance Company North River Insurance Company	CA 62 01 87 DCL 917542	Auto & Gen. Liability Umbrella	500,000 - 100,000 5,000,000 10,000,000 1/26/72	1,000 deductible on products

*Policy unavailable at present time. A
copy has been requested from the carrier.

KELLY-HOORE PAINT COMPANY, INC.

Summary of Liability Policies
January 1, 1956 - October 1, 1984

Insurer	Policy Number	Type of Liability Coverage	Amount of Coverage	Remarks
1/15/73 - 1/14/74			8/1/73	
Liberty Mutual Insurance Company	LG1-161-015355-043	General Liability	500,000 - 100,000	250,000
North River Insurance Company	DCL 917542	Umbrella	10,000,000	8/1/73 Replaced by Liberty Mutual 1/1/74
	AE1-161-015355-087	Auto	500,000 - 100,000	250,000
1/1/74 - 5/1/74				
Liberty Mutual Insurance Company	LG1-161-015355-044	General Liability	500,000 - 250,000	
Liberty Mutual Insurance Company	AE1-161-015355-034	Auto	500,000 - 250,000	
Liberty Mutual Insurance Company	LE1-161-015355-054	Umbrella	10,000,000	
5/1/74 - 5/1/75				
Liberty Mutual Insurance Company	LG1-161-015355-094	General Liability	500,000 - 250,000	
Liberty Mutual Insurance Company	LG1-161-015355-084	Auto	500,000 - 250,000	
Liberty Mutual Insurance Company	LE1-161-015355-104	Umbrella	10,000,000	
5/1/75 - 5/1/76				
Liberty Mutual Insurance Company	LG1-161-015355-093	General Liability	500,000 - 250,000	
Liberty Mutual Insurance Company	LG1-161-015355-083	Auto	500,000 - 250,000	
Liberty Mutual Insurance Company	LG1-161-015355-103	Umbrella	10,000,000	
Liberty Mutual Insurance Company	LG1-161-015355-113	OL&T	500,000 - 250,000	
5/1/76 - 5/1/77				
Liberty Mutual Insurance Company	LG1-161-015355-096	General Liability	500,000 - 250,000	1,000 deductible on Products-Completed
Liberty Mutual Insurance Company	LG1-161-015355-086	Auto	500,000 - 250,000	Operations
Liberty Mutual Insurance Company	LG1-161-015355-116	OL&T	500,000 - 250,000	5,000 deductible per batch, annual
Liberty Mutual Insurance Company	LE1-161-015355-106	Umbrella	10,000,000	
5/1/77 - 5/1/78				
Liberty Mutual Insurance Company	LG1-161-015355-097	General Liability		No reference to deductible for Products
Liberty Mutual Insurance Company	LG1-161-015355-087	Auto		

KELLY-MOORE PAINT COMPANY, INC.

Summary of Liability Policies

January 1, 1956 - October 1, 1984

Insurer	Policy Number	Type of Liability Coverage	Amount of Coverage	Remarks
5/1/77 - 5/1/78				
Liberty Mutual Insurance Company	L01-161-015355-117	UL&T	500,000 - 250,000	No reference to deductible for Products
Liberty Mutual Insurance Company	LE1-161-015355-107	Umbrella	10,000,000	
Federal Insurance	7922 0443	Excess	5,000,000	-Effective 6/24/77 to 5/1/78
First State	925027	Excess	5,000,000	-Effective 6/24/77 to 5/1/78
5/1/78 - 5/1/79				
Truck Insurance Exchange	5120 00 19	Auto & Gen Liability	1,000,000 S.L.	10,000 deductible per occurrence -
Liberty Mutual Insurance Company	LE1-161-015355-108	Umbrella	10,000,000	150,000 annual aggregate
U.S. Fire Insurance Company	522-000169-2	Excess	5,000,000	Cancelled 5/22/78
Federal Insurance	7922 7956	Excess	5,000,000	Cancelled 5/23/78
Pine Top Insurance Company	UP 50 10 29	Umbrella	10,000,000	Effective 5/23/78 - expiring 5/1/79
Interstate Fire & Casualty	155-U 027331	Excess	5,000,000	Effective 6/5/78 - expiring 5/1/79
First State	926755	Excess	5,000,000	Effective 6/5/78 - expiring 5/1/79
5/1/79 - 5/1/80				
Truck Insurance Exchange	5120 00 19	Auto & Gen Liability	1,000,000	Same deductible
Mission Insurance Company	M 849015	Umbrella	20,000,000	
5/1/80 - 5/1/81				
Truck Insurance Exchange	5120 00 19	Auto & Gen Liability	1,000,000	Same deductible
Continental Insurance	SRU 215 56 23	Umbrella	20,000,000	
Continental Casualty	RDX 178 76 08	Excess	20,000,000	
American Excess Insurance	EUL 507 3250	Excess	10,000,000	
5/1/81 - 10/1/82				
Truck Insurance Exchange	5120 00 19	Auto & Gen Liability	1,000,000	Same deductible
Continental Insurance Company	SRU 215 56 65	Umbrella	20,000,000	
Continental Casualty	RDX 177 67 73	Excess	30,000,000	
10/1/82 - 10/1/83				
Truck Insurance Exchange	NO503 00 21	Auto & Gen Liability	1,000,000	25,000 deductible
Continental Insurance Company	SRU 215 56 23	Umbrella	20,000,000	150,000 annual aggregate
Continental Casualty	RDX 177 68 51	Excess	30,000,000	

6/1/83

Truck Ins Exch.

all fees pd 100%.

KELLY-MOORE PAINT COMPANY, INC.
Summary of Liability Policies
January 1, 1956 - October 1, 1984.

Insurer	Policy Number	Type of Liability Coverage	Amount of Coverage	Remarks
10/1/83 - 10/1/84 The Home Insurance Company	GL 1438601 BA 2959579 CA 1386361	General Liability) Auto Liability) Auto Liability - Texas	500,000	25,000 deductible 150,000 annual aggregate
Centaur Insurance Company	CUL 10 09 20	Umbrella	20,000,000	
Continental Casualty Company <i>from 11/1/84</i>	RDX 062 115-809	Excess-	20,000,000	
2/14/84 - 10/1/84 INR	XCP 156102	EXCESS	} \$20,000,000	
Transport Indemnity	TEL 00810C	EXCESS		
Transit Casualty	SCU 956708	EXCESS		
Integrity Ins. Co.	XL 208243	EXCESS		
Fireman's Fund	XLX 14423 63	EXCESS	\$10,000,000	Excludes asbestos.

IN RE: ALL ASBESTOS-RELATED *
PERSONAL INJURY OR * IN THE DISTRICT COURTS
DEATH CASES FILED BY *
BARON & BUDD, P.C. OR * DALLAS COUNTY, TEXAS
TO BE FILED BY BARON *
& BUDD, P.C. IN DALLAS * 191ST JUDICIAL DISTRICT
COUNTY, TEXAS *

**KELLY MOORE PAINT COMPANY'S RESPONSES TO
REQUESTS FOR PRODUCTION OF PLAINTIFFS**

**ATTACHMENT FOR REQUEST
FOR PRODUCTION NO. 6**

IN RE: ALL ASBESTOS-RELATED *
PERSONAL INJURY OR * IN THE DISTRICT COURTS
DEATH CASES FILED BY *
BARON & BUDD, P.C. OR * DALLAS COUNTY, TEXAS
TO BE FILED BY BARON *
& BUDD, P.C. IN DALLAS * 191ST JUDICIAL DISTRICT
COUNTY, TEXAS *

KELLY MOORE PAINT COMPANY'S RESPONSES TO
REQUESTS FOR PRODUCTION OF PLAINTIFFS

ATTACHMENT FOR REQUEST
FOR PRODUCTION NO. 12

NOTE

TO INSURE UNIFORM WALL TEXTURE PATTERN IT IS NECESSARY TO SEAL WALL SURFACES TO PROVIDE EVEN POROSITY FOR SUCCESSFUL PAINTING. APPLY ONE COAT OF KELLY-MOORE VINYL SEALER AND ALLOW TO DRY OVERNIGHT BEFORE TEXTURING.

IMPORTANT NOTICE

USE OF THIS PRODUCT REQUIRES THE ADDITION OF WATER IN VARYING AMOUNTS WHICH IS BEYOND OUR CONTROL AND DEPENDS UPON THE BEST ESTIMATE OF JOB CONDITIONS. FOR SATISFACTORY RESULTS THIS MATERIAL MUST HAVE GOOD DRYING CONDITIONS FOR A MINIMUM OF TWENTY-FOUR (24) HOURS AFTER APPLICATION. RELATIVE HUMIDITY ABOVE 60% OR BELOW 10% TEMPERATURE ABOVE 100° F. OR BELOW 50° F. AND INADEQUATE VENTILATION ARE UNSATISFACTORY DRYING CONDITIONS. THEREFORE, OUR MAXIMUM LIABILITY SHALL BE LIMITED TO REPLACEMENT OF OUR MATERIAL.

PACO TEXTURES CORPORATION

SAN CARLOS, CALIF. - ONTARIO, CALIF. - KIRKLAND, WASH.
HURST, TEXAS - HOUSTON, TEXAS - TULSA, OKLAHOMA - DENVER, COLO.

NET WEIGHT 25 LBS.

Manufacturers of DRYWALL FINISHING MATERIALS

CAUTION

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM

9263

3

11-77

FREIGHT SHIPPING BAG

MEETING REQUIREMENTS OF