

CAUSE NO. 99-6090-H

JUAN FIGUEROA, ET AL

§

IN THE DISTRICT COURT

§

VS.

§

NUECES COUNTY, TEXAS

§

OWENS-CORNING, ET AL

§

28th JUDICIAL DISTRICT

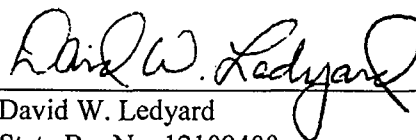
**EXXONMOBIL CORPORATION'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
REQUEST FOR ADMISSIONS
AND REQUEST FOR PRODUCTION**

TO: Plaintiff, JUAN FIGUEROA, et al by and through their attorney of record, Holly Huart,
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 files these Objections and Responses to Plaintiff's First Set of Interrogatories, Request for Admissions
and Requests for Production Propounded to Premise Defendant, EXXONMOBIL CORPORATION.

Respectfully submitted,

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

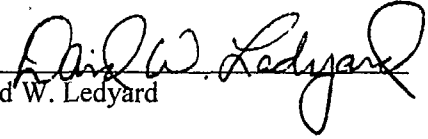


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ATTORNEYS FOR DEFENDANT,
EXXONMOBIL CORPORATION

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of ExxonMobil Corporation's Objections and Responses to Plaintiff's First Set of Interrogatories, Request for Admissions and Requests for Production 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 March, 2001.



David W. Ledyard

B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the 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.

**DEFENDANT'S RESPONSES AND ANSWERS TO
PLAINTIFF'S DISCOVERY**

INTERROGATORY NO. 1:

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

RESPONSE:

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.

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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. 1

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 2:

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 during the years at issue.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 this suit.

Without waiving the foregoing objections, Defendant admits that it was aware that certain asbestos-containing products were used in certain locations during certain periods of time.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's premises.

ANSWER:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 this suit.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, invoices and records that have been located will be made available to Plaintiff's counsel at a time and date convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was working on Defendant's Premises, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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.

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. The information requested is in the public domain and equally accessible to Plaintiffs.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises, and in operation and maintenance plan.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to the phrase "removal plan" as it is not defined and Defendant does not understand the last phrase "and in operation and maintenance plan", and, as such, is vague and ambiguous and unintelligible as written.

Without waiving the foregoing, please see correspondence from Hans Siegel to R. O. Dockins, C. H. Friedmann, M. C. Harrison, T. R. Huddle, L. W. Raymond dated February 23, 1995 and attachments thereto, *i.e.* EM001425-EM001572. These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards before OSHA" a/k/a, Corporate Report. These documents have been provided to Plaintiff's counsel in prior litigation.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked

on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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. 4:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, invoices and records that have been located will be made available to Plaintiff's counsel at a time and date convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering

and/or leaving your facilities, during the years at issue, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, invoices and records that have been located will be made available to Plaintiff's counsel at a time and date convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue, and for each, state:

- e. The type of work performed by the contractor
- f. The dates such work was performed;
- g. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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. 9:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s)? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "work around", "his work", and "employee of an independent contractor" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

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

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "Plaintiff worked" as vague and ambiguous and renders a response impossible without speculation as the meaning of these term.

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

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "health hazard" as defined in Plaintiff's definitions as so overly broad that Defendant does not know which health hazards is being referred and renders a response impossible without speculation as to the meaning of this phrase. Since "health hazards" often are dependent on the quantity of exposure, this request is vague and ambiguous because the quantity of exposure had not been defined.

Without waiving the foregoing objections, after reasonable inquiry, 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 through the knowledge of its employees. As for asbestosis, see generally the Bonsib report.

REQUEST FOR PRODUCTION NO. 11:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrase "was working" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that it was aware that certain asbestos-containing products were used in certain locations during certain periods of time.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees 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 by your employees at any locations.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrase "hazards" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving any of the foregoing, Defendant has not located any relevant documents responsive to this request.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 in the inhalation" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Not applicable.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job-sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "hazards of asbestos" and "safety policy" in that they are not defined and so overly broad that Defendant does not know which "hazards" or "safety policy" are being referred to and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to

which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "safety policy" in that it is not defined and so overly broad that Defendant does not know which "safety policy" is being referred to and renders a response impossible without speculation as the meaning of this term.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further this request is argumentative.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "hazards" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including

but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. To the extent this interrogatory seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant. Defendant further objects to this interrogatory as vague and ambiguous in that the terms "hazards" and "safety precautions" are not defined and so overly broad that Defendant does not know which "hazards" or "safety precautions" are being referred to and renders a response impossible without speculation as to the meaning of these terms.

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

RESPONSE:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. To the extent this interrogatory seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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.

INTERROGATORY NO. 12:

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

ANSWER:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this interrogatory as vague and ambiguous in that the terms "tests" and "using" are not defined and so overly broad and Defendant does not know which "tests" is

being referred to and renders a response impossible without speculation as to the meaning of these terms.

Without waiving the foregoing objections, Defendant responds that it does not have detailed knowledge of all tests conducted at the facilities over the years. However, Defendant attempted to comply with all OSHA regulations.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "measurements and/or studies" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term.

INTERROGATORY NO. 14:

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

RESPONSE:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "regulatory agency" and "governing body" as vague and ambiguous in that they are not defined and so overly broad that Defendant does not know which "regulations" or "governing body" is being referred to and renders a response impossible without speculation as to the meaning of these terms.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the worksites where your employees were using asbestos-containing materials, including the work-sites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 14:

Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 18:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, 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 as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "utilization" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 21:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

INTERROGATORY NO. 15:

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

ANSWER:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "in place", "warnings" and/or "hazards" as vague and ambiguous

and renders a response impossible without speculation as to the meaning of these terms. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

ANSWER:

Defendant objects to this interrogatory as overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "policy" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "utilization" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "using" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny this request as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions.

canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiffs employer.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, invoices and records that have been located will be made available to Plaintiff's counsel at a time and date convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "use" and "substantial " as vague and ambiguous and unintelligible as written.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years at issue, Defendant had to power to control Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor

the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 23:

Admit that, during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to manage" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 26:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to manage" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 24:

Admit that during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to direct or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 27:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to direct or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 25:

Admit that, during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to superintend the use or conditions" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 28:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to superintend the use or conditions" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not

all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to restrict the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 29:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to restrict the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to direct or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 30:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant

further objects to the term "power to direct or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to govern or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to govern the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to oversee or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 32:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to oversee the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to administer the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "power to administer the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 31:

Admit that during the years at issue, Defendant controlled Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "controlled" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "controlled" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 32:

Admit that, during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "managed the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not

all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "managed the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "directed the use condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "directed the use condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "superintended the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this

request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "superintended the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked

on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "restricted the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "restricted the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "regulated the or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "regulated the or use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "governed the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "governed the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not

all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "oversaw the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "oversaw the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "administered the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 42:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant

further objects to the term "administered the use or condition" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiffs work was performed.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Plaintiff does not specify what work was performed, thereby making the term "plaintiff's work" vague and ambiguous. Defendant further objects to the term "retained control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Plaintiff does not specify what work was performed, thereby making the term "plaintiff's work" vague and ambiguous. Defendant further objects to the term "retained control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

INTERROGATORY NO. 17:

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises on Defendant's Premises, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "hazardous" and "control" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms. Further, this interrogatory does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiffs employer performed the work requested by the Defendant.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "retained some control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 44:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "retained some control" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "not entirely free" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "not entirely free" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiffs employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "not entirely free" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "not entirely free" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing gaskets were installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 47:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing pipe covering was installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 48:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing boilers were installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 49:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing fireproofing was installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing joint compound was installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 51:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, it is admitted that asbestos-containing insulation was installed at certain locations at certain times.

REQUEST FOR PRODUCTION NO. 52:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "installation", "direction", "supervision" and "control" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

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

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE:

Not applicable.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

ANSWER:

Defendant objects to this request as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the terms "inhalation", "hazards", and "injury" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR PRODUCTION NO. 54:

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 as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the terms "inhaled" and "hazardous" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "supervised", "health" and "safety procedures" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiffs employer.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "supervised", "health" and "safety practices" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor

the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "protect" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term. Further, this request does not specify the specific task 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 the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and 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 as written.

REQUEST FOR PRODUCTION NO. 55:

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 does not yet have enough information to finalize its possible defenses and is unable to respond at this time. Discovery is continuing. Without waiving the foregoing, please see correspondence from Hans Siegel to R. O. Dockins, C. H. Friedmann, M. C. Harrison, T. R. Huddle, L. W. Raymond dated February 23, 1995 and attachments thereto, i.e. EM001425-EM001572. These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards before OSHA" a/k/a, Corporate Report. There documents have been provided to Plaintiff's counsel in prior litigation.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "Plaintiff's exposure", "asbestos-related injury" and "substantial

contributing factor"as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

Without foregoing the foregoing objections, yes.

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "Plaintiff's exposure", "asbestos-related injury" and "substantial contributing factor"as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

Without waiving the foregoing objections, denies this request as written.

REQUEST FOR PRODUCTION NO. 56:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "Plaintiff's exposure", "asbestos-related injury" and "substantial contributing factor"as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrase "exercise reasonable care to reduce or eliminate the risk" as vague and ambiguous and renders a response impossible without speculation as the meaning of this phrase.

Without waiving the foregoing objections, Defendant denies this request as written.

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrase "reduce or eliminate the unreasonable risk of harm" as vague and ambiguous and renders a response impossible without speculation as the meaning of this phrase.

Without waiving the foregoing objections, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 57:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant

further objects to the phrase "reduce or eliminate the unreasonable risk of harm" as vague and ambiguous and renders a response impossible without speculation as the meaning of this phrase.

Without waiving the foregoing, please see correspondence from Hans Siegel to R. O. Dockins, C. H. Friedmann, M. C. Harrison, T. R. Huddle, L. W. Raymond dated February 23, 1995 and attachments thereto, *i.e.* EM001425-EM001572. These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards before OSHA" a/k/a, Corporate Report. These documents have been provided to Plaintiff's counsel in prior litigation.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrases "reduce or eliminate the risk of harm", "substantial factor" and "Plaintiff's (sic) asbestos related injury" as vague and ambiguous and renders a response impossible without speculation as the meaning of these phrases.

Without waiving the foregoing objections, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 58:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrases "reduce or eliminate the risk of harm", "substantial factor" and "Plaintiff's (sic) asbestos related injury" as vague and ambiguous and renders a response impossible without speculation as the meaning of these phrases.

Without waiving the foregoing, please see correspondence from Hans Siegel to R. O. Dockins, C. H. Friedmann, M. C. Harrison, T. R. Huddle, L. W. Raymond dated February 23, 1995 and attachments thereto, *i.e.* EM001425-EM001572. These documents in *globo* are sometimes referred to as "Exxon's Procedures Concerning Safeguarding Workers from Asbestos Health Hazards before OSHA" a/k/a, Corporate Report. These documents have been provided to Plaintiff's counsel in prior litigation.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, see Plaintiff's medical records and other Plaintiff information that may have been provided.

REQUEST FOR PRODUCTION NO. 61:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Defendant has not been provided with enough information to finalize contentions. Discovery is continuing.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 64:

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 as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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) described in the preceding paragraphs.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

Does Defendant have 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? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

ANSWER:

Defendant objects to this request as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST-FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "use" and "in place" as vague and ambiguous and renders a response impossible without speculation as the meaning of these terms.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "uses asbestos" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are still products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 62:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1972.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 63:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1973.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor

the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 64:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1974.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 65:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1975.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of these term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 66:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1976.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 67:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1977.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 68:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1978.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 69:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1979.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 70:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1980.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor

the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 71:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1981.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 72:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1982.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 73:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1983.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 74:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1984.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 75:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1985.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 76:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1986.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 77:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1987.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor

the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 78:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1988

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing materials" as vague and ambiguous and renders a response impossible without speculation as the meaning of this term.

Without waiving the foregoing objections, Defendant admits that there are products which contain asbestos in certain locations, none of which result in employee or contractor exposure.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents that reflect, indicate or in anyway 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 interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, Defendant objects to this request to the extent it seeks information, the subject of which is protected from disclosure by the attorney/client privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5.

Without waiving the foregoing objections, Defendant is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE:

Defendant objects to this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

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

Without waiving the foregoing objections, Defendant is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 69:

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 as it is overly broad, burdensome to which to respond, is vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, Defendant objects to this request to the extent it seeks information, the subject of which is

protected from disclosure by the attorney/client privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5.

Without waiving the foregoing objections, Defendant is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague, unduly burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, this request 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 is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague, unduly burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, this request 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 is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague, unduly burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, this request 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 is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE:

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

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 is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at anytime during his work at Defendant's Premises. 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 employment records relating to Plaintiff's health.

RESPONSE:

Defendant objects to this request in that 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 is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE:

Defendant objects to this request in that 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 does not believe such documents exist.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, this request constitutes a "fishing expedition."

REQUEST FOR PRODUCTION NO. 77:

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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "exposure", "injury" or "possibility of injury" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant

further objects to the terms "asbestos-containing products", "fabricated", or "utilized" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms.

Without waiving the foregoing objections, Defendant states that it possesses no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 79:

Produce all photographs of warning signs or warning statements which are or have been in place at Defendant's Premises 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing products", as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant states that it possesses no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague, unduly 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 not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, this request 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. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "hazards" and/ or "potential hazards" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms. In addition, this request 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 has been unable to locate documents responsive to this request. As appropriate in accordance with the Texas Rules of Civil Procedure, Defendant reserves the right to supplement this response.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "asbestos-containing products" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term.

Without waiving the foregoing objections, Defendant is in the process of searching for responsive documents to this request. If such documents are located they will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 83:

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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the term "dust counts" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term. In addition, this request 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. 84:

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, 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, this request 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. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the terms "hazards" and/ or "diseases" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms. It is not limited by time or location and constitutes a "fishing expedition". In addition, this request 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 has not retained any experts for the purpose of this specific litigation.

REQUEST FOR PRODUCTION NO. 86:

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 in Defendant's most recently filed Answer.

RESPONSE:

Defendant will identify witnesses and trial exhibits at such time as the court may require.

REQUEST FOR PRODUCTION NO. 87:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant objects to this request as overly broad, vague and burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It is not limited by time or location and constitutes a "fishing expedition". Defendant objects to the phrase "hazards of asbestos" as vague and ambiguous and renders a response impossible without speculation as to the meaning of this term. In addition, this request 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 states that it possesses no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

Defendant objects to this request as overly broad, vague and burdensome to which to respond, and calling 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to the terms "orders", "rules", "policies" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms. It is not limited by time or location and constitutes a "fishing expedition".

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request 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. It is not limited by time or location and constitutes a "fishing expedition".

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to the terms "safety conditions" and "work place conditions" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms. This request 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 states that it possesses no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiffs work at Defendant's Premises.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 92:

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 for production as overly broad, vague and burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is not limited in scope to any particular alleged employer of Plaintiff, to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor to the area(s) within Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing objections, Defendant will produce responsive documents to this request will be made available to Plaintiff's counsel at a time convenient to all parties at the offices of Defendant's counsel in Beaumont, Texas.

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague and burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request 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. It is not limited by time or location and constitutes a "fishing expedition".

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

Defendant objects to this request for production as overly broad, vague and burdensome to which to respond, and calling for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request 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. It is not limited by time or location and constitutes a "fishing expedition".

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. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague, unduly 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 not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request 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. 96:

Please produce any printed material produced or published by Defendant 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 as overly broad, vague, and unduly burdensome to which to respond, and calling for information or material which is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This request seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff allegedly worked. Defendant objects to the terms "possibility" and/or "possibility of injury" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms.

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE:

Defendant has not documents responsive to this request.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), 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 include 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 calling for information and 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 time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to the term "own or control" as vague and ambiguous and renders a response impossible without speculation as to the meaning of these terms.

CAUSE NO. 99-6090-H

JUAN FIGUEROA, ET AL

§

IN THE DISTRICT COURT

VS.

§

NUECES COUNTY, TEXAS

OWENS-CORNING, ET AL

§

§

28th JUDICIAL DISTRICT

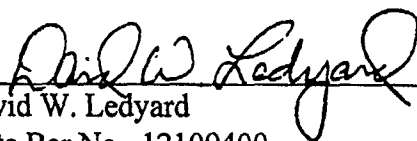
NOTICE OF FILING

This is to certify that on March 23, 2001, Defendant served the following to Plaintiff:

**EXXONMOBIL CORPORATION'S RESPONSE TO PLAINTIFFS' REQUESTS
FOR PRODUCTION, REQUESTS FOR ADMISSIONS AND INTERROGATORIES.**

Respectfully submitted,

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

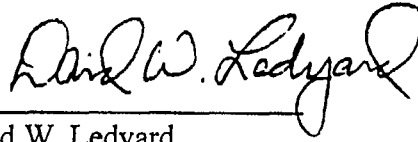


David W. Ledyard
State Bar No. 12109400
14th Floor, San Jacinto Building
595 Orleans Street
Beaumont, Texas 77701-3255
(409) 981-1000
(409) 981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
THE LUBRIZOL CORPORATION.

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of ExxonMobil Corporations.'s Notice of Filing 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 March, 2001.

A handwritten signature in cursive script, reading "David W. Ledyard". The signature is written in dark ink and is positioned above a horizontal line.

David W. Ledyard