

NO. A-000425-C

NORWOOD COLEMAN, et al

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IN THE DISTRICT COURT OF

VS.

ORANGE COUNTY, TEXAS

GAF CORPORATION, et al

128th JUDICIAL DISTRICT

**DEFENDANT TEXACO INC.'S OBJECTIONS AND
AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES,
FIRST REQUEST FOR PRODUCTION, AND FIRST REQUEST FOR ADMISSIONS
AND FURTHER REQUESTS FOR PRODUCTION
SUBJECT TO MOTION TO TRANSFER VENUE**

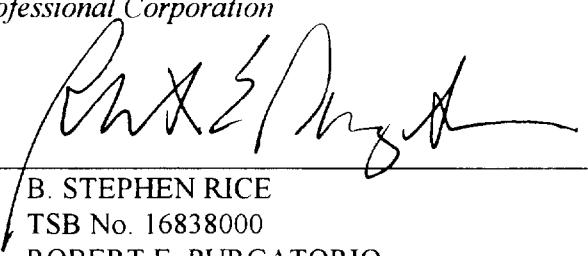
TO: Plaintiff, WILBERT JOSEPH LEDOUX, by and through his attorneys of record, Elizabeth R. Schick, Lou Thompson and Stephanie Finch of Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281

Pursuant to TEXAS RULES OF CIVIL PROCEDURE Defendant TEXACO INC. (hereinafter "Defendant") serves the following Objections and Responses to Plaintiffs' Interrogatories, Requests for Production, and Requests for Admission.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

A Professional Corporation

By: 

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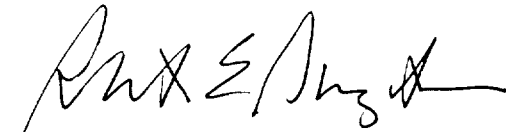
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Attorneys for Defendant TEXACO INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record by certified mail, return receipt requested, by facsimile transmission, by regular U.S. Mail and/or hand delivery on this 23rd day of JULY, 2001.

Elizabeth R. Schick
Lou Thompson
Stephanie Finch
BARON & BUDD, P.C.
Centrum Building
3102 Oak Lawn Ave., Suite 1100
Dallas TX 75219-4281



Robert E. Purgatorio

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition of the terms “Defendant,” “You,” “Your” and “Your Company” on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries, affiliates, and other separately incorporated non-parties thus rendering the Plaintiff’s stated definitions overly broad, unspecific, vague and improper, and the definition seeks response greater than those called for pursuant to the Texas Rules of Civil Procedure.

Defendant objects to the stated definition of the terms “Document,” “Documents,” “Written Materials” and “Printed Materials” on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production “regardless of who now has or formerly had custody, possession or control” on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms “Meeting” or “Meetings” on the grounds it is so overly broad and vague and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

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 objects to the definition of “identify” with regard to a document as overly broad and requiring more than the Rules of Procedure require.

Defendant objects to the definition of “workers” to include any employee of Defendant or employee of a contractor as being overly broad.

Defendant objects to the term “abate” or “abatement” as overly broad as defined.

PLAINTIFF'S INTERROGATORIES

INTERROGATORY NO. 1

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

ANSWER:

Objection. Answers to these Interrogatories are being made by Texaco Inc., a corporation. The scope of Plaintiffs' Interrogatories calls for extensive and massive inquiry, seeking information from innumerable individuals in various locations spanning many years; hence, providing such information would be enormously burdensome. Lastly, such information is protected from disclosure pursuant to the attorney-client privilege and work product exemption.

INTERROGATORY NO. 2:

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

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

ANSWER:

Defendant objects to this Interrogatory because it is overly broad, vague, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Defendant would respond by stating that it has in its possession certain documents which may be responsive to this Interrogatory. Although present personnel cannot confirm or deny the knowledge of previous Texaco personnel, it appears that Texaco was aware by 1949 and recommendations for asbestos concentrations in the air were in existence, and that there was alleged to be a connection between prolonged, heavy asbestos exposure and certain lung problems; however, no lung dysfunction was known to the levels of exposure present during work performed at the Texaco premises by workers situated such as the Plaintiffs in this case. In the mid 1960s, Texaco became aware that Dr.

Silikoff published reports for persons in a relationship between asbestos exposure under certain, specified circumstances and affects to the health of construction insulators. By 1970, Texaco was aware of publications which attributed in part, to asbestos the condition termed "mesothelioma".

Defendant states that pursuant to Rule 197.2(c), any further answer to this Interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an offsite storage facility in Oklahoma which can be made available for inspection and copying at a mutually agreeable time and upon reasonable notice.

INTERROGATORY NO. 3:

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

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

ANSWER:

Defendant objects to this interrogatory to the extent it is overly broad, vague and constitutes nothing more than a "fishing expedition" which is specifically prohibited under Texas law as it relates to discovery. Further this interrogatory is objectionable because it would require this Defendant to speculate on whether an organization disseminated information concerning asbestos.

Subject to and without waiving the foregoing objections, Defendant would respond as follows:

The records of this Defendant reflect membership in several of the associations listed by the Plaintiff. To the best of Texaco's knowledge, the company had been a corporate member of the American Petroleum Institute (API) since approximately 1949. Texaco is currently a member of all thirteen of API's General Committees and it has had such membership for the preceding eight years. Defendant has no records readily available to it that would reflect membership in API committees during the time period referenced in this case. The general committees in which this Defendant has been a participating member for the preceding five years are: Communications, Expiration and Production, Federal Regulations; Finance and Accounting and Information System; Health Environment and Safety; Law; Marine Transportation; Marketing; Pipelines; Refining; State Relations; Statistics and Taxation.

This Defendant cannot verify that each organization disseminated information concerning asbestos. Defendant is unable to specify the name of each individual who may have attended meetings over a 45-year time frame, however, generally, industrial hygienists have attended meetings related to industrial hygiene organizations and medical doctors have attended meetings of medical organizations. Further, this Defendant may still have in its possession certain documents which contain information further responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this Interrogatory may be derived or ascertained from business records still in the possession of this Defendant, which may be made available for inspection and copying at a mutually agreeable time and upon reasonable notice at an offsite storage facility in the State of Oklahoma.

INTERROGATORY NO. 4

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

ANSWER:

Defendant objects to this interrogatory because it is overly broad, vague and ambiguous, and not limited to the facilities where Plaintiff claims exposure, nor is it limited to the relevant time periods. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex. 1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

Subject to and without waiving the foregoing objections, Defendant is unable to identify each seminar, symposium, conference or other gathering that any officer, agent or representative of Defendant has attended concerning the subject of asbestos. Defendant may still have in its possession certain documents which contain information further responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this Interrogatory may be derived or ascertained from business records still in the possession of this Defendant, which may be examined at a reasonable time and upon reasonable notice at an offsite storage facility in the State of Oklahoma.

INTERROGATORY NO. 5:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds it is overly broad, vague, ambiguous and lacking in specificity. Defendant does not know the years in which Plaintiff has indicated he worked at Defendant's premises.

Subject to the foregoing objection, Defendant would respond that it is unable to list all asbestos-containing products used at its facilities. Generally, asbestos-containing products were used for insulation, packing, gasketing and related uses. These products were installed throughout the refineries as needed. Defendant is unable to specify all persons or contractors who

installed the products, nor is the Defendant able to specify from whom each product was purchased, to the extent that this Defendant may have purchased the product. In the early 1970s, asbestos-containing insulation products were no longer purchased and other products such as gaskets were phased out as substitute products became practicable. Defendant may have in its possession certain documents which contain information further responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c), any further answer to this Interrogatory may be derived or ascertained from business records of Texaco Inc. which are maintained at an offsite storage facility in the State of Oklahoma which may be made available for inspection and copying at a reasonable time and upon reasonable notice.

INTERROGATORY NO. 6

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

- a. Identify each person or company that performed such abatement services,
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER:

See objection to the definition of "abated" herein above. Defendant further objects to this interrogatory on the grounds that it is overly broad, vague, lacking in specificity, and not limited to the time period relevant in this case and, therefore, seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Plaintiff was not involved with asbestos abatement or storage, and thus, the information sought in this interrogatory is also not relevant for that reason.

INTERROGATORY NO. 7:

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

ANSWER

Defendant objects to the interrogatory to the extent it is overly broad, vague, lacks specificity, and is unduly burdensome. This request seeks to require

this Defendant to provide information broader than that required by the Texas Rules of Civil Procedure which only requires parties to provide the name, address and telephone number of persons with knowledge of relevant facts and their connection to the case. Defendant is unable to identify every person over a 50-year time frame who may have knowledge as specified by Plaintiff.

Subject to the foregoing, Defendant adopts by reference as though fully set forth herein the persons named in its response to Request for Disclosure as having knowledge of relevant facts and any supplements thereto. Furthermore, subject to and without waiver of the foregoing objections, Defendant states that it has in its possession of documents which may contain information responsive to this interrogatory. Pursuant to Rule 197.2(c), documents still in the possession of this Defendant from which a further answer to this Interrogatory may be derived will be made available for inspection and copying at a mutually agreeable time and upon reasonable notice at an offsite storage facility maintained in the State of Oklahoma.

INTERROGATORY NO. 8:

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

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER:

Defendant objects to this Interrogatory because it is overly broad, lacks specificity and is unduly burdensome. Further, the Interrogatory is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the

Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex. 1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989).

Without waiving the objection, pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Defendant which are maintained at an offsite storage facility in the State of Oklahoma and can be made available for inspection and copying at a mutually agreeable time and upon reasonable notice.

INTERROGATORY NO. 9:

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

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

ANSWER:

Defendant objects to this interrogatory as being overly broad and not limited to the facility made the basis of this suit nor to the time periods involved in this suit. Subject to the foregoing objections, Defendant identifies the following persons who may have had industrial hygiene responsibility at the corporate or facility level:

At the Texaco, Port Arthur refinery an asphalt plant as well as Texaco Incorporated on a corporate level (Alan Dooley, deceased), was responsible

during the time period 1946 through 1971. Thereafter, Ron Richards had overall corporate responsibility from 1971 through mid-1980s. On the local level, under the direction of Mr. Richards, with respect to the Port Arthur chemical plant (located adjacent to the former Texaco Port Arthur refinery), Alan Dooley had responsibility from 1946 through 1971. From 1971 through 1978, Jim Castille had responsibility. Thereafter, C. Moran and Dalton Abel had responsibility up through 1985. With respect to the Jefferson Chemical Company facility (later known as Texaco Chemical Company-East Plant) J. Pitts was a supervisor for the plant technical services and retired in 1975. From 1975 through 1977, T. P. Dearing had the responsibility. From 1978 through 1985, Kathy Harkey had that responsibility. With respect to the former Neches Butane Products Company plant (later known as Texaco Chemical Company-West Plant) Dalton Abel had the responsibility from 1975 through 1982. Kathy Harkey held that position from 1982 through 1985

Defendant lists the following physicians who worked for Defendant:

The corporate medical directors for Texaco Incorporated included Dr. Melvin Newquist (deceased) for the time period 1949 through 1959. Dr. Curtis H. Baylor (deceased) for the time period 1959 through 1974. Dr. Harold Hyder (deceased) was the medical director from 1974 through 1975. Dr. Eugene R. Stanton was the medical director from 1975 through 1986.

The time period referenced by the Plaintiff herein, Texaco Incorporated contracted with local physicians to serve as plant physicians.

If Plaintiff would adequately identify the Premises At Issue, Defendant may be able to provide a list of persons in the safety department. Pursuant to Rule 197.2(c), further answer to this Interrogatory which may be ascertained from Defendant's business records will be made available for inspection and copying at a mutually agreeable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 10

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

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising,

- e. signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER:

Defendant objects to this Interrogatory because it is overly broad and vague and not limited to the time period relevant in this case. Without waiving the objection, Defendant states that it was the responsibility of the Plaintiff's employer to protect the Plaintiff from excessive exposure to asbestos consistent with the knowledge and judgment as it may have existed from time to time concerning the hazards of asbestos. Pursuant to Rule 197.2(c), further answer to this Interrogatory which may be ascertained from Defendant's business records, still in existence and relating to asbestos, which will be made available for inspection and copying at a mutually agreeable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 11:

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

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

ANSWER:

Defendant objects to this Interrogatory because it is overly broad, not limited to relevant time periods in the case and, therefore, not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving this objection, and subject thereto, see persons listed in answer to Interrogatory No. 9 above. Further Defendant states that pursuant to Rule 197.2(c) the answer to this interrogatory may be derived or ascertained from business records. The records from which the answer may be derived will be made available for inspection at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 12:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, not limited to the time period relevant, and therefore seeks disclosure of information wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of the foregoing objections, Defendant is unable to specify from whom each product was purchased, to the extent this Defendant may have purchased the product. Generally, asbestos-containing products were used for insulation, packing, gasketing, and related uses. Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from those business records of Defendant, still in existence and relating to asbestos, which may be examined at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 13:

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, vague, ambiguous, unspecific, and not limited to the premises relevant to this case nor to the relevant time period. Subject to and without waiver of the

foregoing objections (for time periods see Answer to Interrogatory No. 5), Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from those business records of Defendant, still in existence relating to asbestos, which may be examined at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 14

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

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

ANSWER:

Defendant objects to this interrogatory on the basis that the same is overly broad, vague, ambiguous and lacking in specificity. The results obtained may be ascertained from the documents made available. Generally the results show levels within accepted standards. The names of the persons performing the monitoring may be ascertained from the records made available. See list of Industrial Hygiene people in answer to Interrogatory No. 9 above. Further, answer to this Interrogatory may be ascertained from Defendant's records and pursuant to Rule 197.2(c) any further answer may be derived from Defendant's business records, still in existence and relating to asbestos, which will be made available at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical program (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or

safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER:

Defendant objects to this Interrogatory because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, and without waiving same, it was the responsibility of contractors to provide safety equipment for their employees. Defendant may have in its possession certain documents which contain information responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records which may be examined at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 16:

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

ANSWER:

Defendant objects to this Interrogatory because it is overly broad and vague as to "mandates, or other authority." Further, Plaintiff has failed to adequately define what premises are at issue and the time period at issue.

Without waiving the objections, Defendant states it was generally aware of applicable state and federal regulations, laws and statutes pertaining to asbestos. There were Texas regulations, the Walsh Healy Act, OSHA and EPA regulations in effect during various periods of time. Defendant may have in its possession certain documents which contain information responsive to this Interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records which may be examined at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 17

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

ANSWER:

Defendant objects to this Interrogatory because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory as overly broad and vague insofar as any undefined "regulatory agency or other governing body."

Subject to and without waiving the objections, Defendant may have in its possession certain documents which contain information further responsive to this interrogatory. Defendant states that pursuant to Rule 197.2(c) any further answer to this interrogatory may be derived or ascertained from business records of Defendant which may be examined at a reasonable time at an offsite storage facility maintained by Texaco Inc. in the State of Oklahoma.

INTERROGATORY NO. 18

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

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, not limited to time periods relevant in this case nor it is limited to a facility where it is alleged the Plaintiff might have worked and therefore, seeks disclosure of information wholly irrelevant to any information in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Defendant would object to this interrogatory to the extent it is seeking disclosure of the name and address of the non-parties in violation of that non-party's personal privacy rights. Further, this Defendant objects to this interrogatory to the extent it seeks production of disclosure of information that is a matter of public record and therefore is easily accessible by Plaintiff as this Defendant.

Subject to and without waiving the foregoing objections, based on information currently available to this Defendant, Texaco was first "served with a claim involving an asbestos-related disease or injury" on or about 1979.

INTERROGATORY NO. 19

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

ANSWER:

Defendant objects to this interrogatory because "Defendant's Premises" and "Time Period at Issue" have not been adequately defined.

INTERROGATORY NO. 20

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

ANSWER:

Defendant Texaco Inc. maintained its principal place of business within the State of Texas is in Houston, Harris County, Texas. Defendant objects to providing further information because the interrogatory is overly broad, harassing and is not reasonably calculated to lead to the discovery of admissible evidence.

PLAINTIFF'S REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Defendant objects to this request on the ground that it is overly broad, vague, ambiguous and not limited to the time period relevant to this case and therefore seeks documents wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Defendant would show that any systematic abatement of asbestos at Defendant's premises after the time period during which the Plaintiff stated that he worked at Defendant's premises can have no relevance to this case, and Plaintiff was not involved in the transportation of waste.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because, as phrased, the request seeks proprietary information relating to its processes.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Defendant objects to this request on the ground that it is unduly burdensome, overly broad, lacking in specificity and not reasonably calculated to lead to the discovery of admissible evidence. Further, the Request fails to specify relevant time periods, worksites, or contractors which employed Plaintiff.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague and ambiguous, nor is it limited to the relevant time periods.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, not limited to the time period or premises relevant in this case, and not limited to the matter made the basis of this suit, specifically, asbestos-containing thermal insulation products.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s

possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE

Defendant objects to this request on the grounds that it is overly broad, vague, not limited to the time period relevant in this case, not limited to the matter made the basis of this suit, specifically, asbestos-containing thermal insulation products.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in the case, nor is it limited to matters made the basis of this lawsuit, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

Objection. Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a request to marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, fails to specify the documents sought with reasonable particularity and amounts to a "fishing expedition." Defendant additionally objects because this Request seeks to require this Defendant to marshal its evidence, which is specifically prohibited by Rule 194.2(c). The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loflin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff’s claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE.

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a “fishing expedition.” Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff’s claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 17:

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

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects because this request seeks

to require production of documents protected by the attorney-client and work product privileges.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, not limited to the time period relevant in this case, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE

Defendant objects to this Request because it is overly broad, not limited to the relevant time periods or facility in this case. Further, as worded, the Request includes documents protected by the attorney-client, party communications and attorney work product privileges.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE

Defendant further objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters presumably made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous, not limited in time nor to the premises at issue, fails to specify

the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Defendant has no documents relating to the medical condition of Plaintiff other than documents produced in discovery in this cause. Defendant will produce any defense medical examinations as they become available.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, lacking in specificity, and ambiguous insofar as it seeks "all documents relating to Plaintiff." Furthermore, this request is objectionable because it seeks to require Defendant to marshal its evidence as to Plaintiff. Subject thereto, Plaintiff was not Defendant's employee, and Defendant would have no documents relating to Plaintiff's work performance and/or personnel records other than those which may be obtained in discovery from Plaintiff's employer, if any.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague, not limited to the time period or specific premises sites relevant in this case and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence. Further, to the extent necessary, this Defendant objects to this request to the extent it could be construed as seeking production of documentation that this Defendant considers to be proprietary in nature, and therefore would be protected from discovery by virtue of the trade secret privilege afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Further, Defendant objects to the extent this Request seeks information protected from discovery by virtue of the attorney work product exemption.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the

matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Defendant Texaco Inc. objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, unduly burdensome, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects because the Request as phrased could include documents which would violate the personal privacy privilege of Defendant's employees, and could include documents protected by the attorney-client and attorney work product privileges.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to

asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, unduly burdensome, fails to specify the documents sought with reasonable particularity and amounts to a "fishing expedition." Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Further, this is a request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed answer.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant

marshal its evidence, which is specifically prohibited by the rules of discovery. Further, Defendant objects to the extent this Request seeks information protected from discovery by virtue of the attorney work product exemption.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence. Further, this Defendant objects to this Request on the grounds that as phrased, it would necessarily violate the personal privacy rights of the non-parties who may be involved. Defendant further objects to the extent that this Request may seek to discover documents which were created regarding litigation as being in violation of the attorney work product and attorney client privileges.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Defendant objects to this Request on the grounds that it is overly broad, vague, lacking in specificity, not limited to the time period relevant in this case nor is it limited to a facility where it is alleged the Plaintiff worked and therefore seeks production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products. Further, the Request is not reasonably calculated to lead to the discovery of admissible evidence and it amounts to a "fishing expedition."

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products. Further, the Request is not reasonably calculated to lead to the discovery of admissible evidence and it amounts to a "fishing expedition."

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products. Further, the Request is not reasonably calculated to lead to the discovery of admissible evidence and amounts to a "fishing expedition." Defendant further objects as this is a request to marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, copies of the Defendant's annual reports will be provided to Plaintiff's counsel if necessary.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Defendant objects to this request on the grounds it is overly broad, vague and ambiguous, and is lacking in specificity and constitutes a "fishing expedition." Defendant further objects as this is a request to marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, ambiguous and unspecific and multifarious and seeks to require this Defendant to marshal its evidence. Defendant objects to this Request because it fails to specify the document sought with reasonable particularity and amounts to a "fishing expedition." The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant denies that it is liable for a dangerous condition or activity created by a contractor.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10-K 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 because it is overly broad, vague, ambiguous and unspecific and multifarious and seeks to require this Defendant to marshal its evidence. Defendant objects to this Request because it fails to specify the document sought with reasonable particularity and amounts to a "fishing expedition." The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant generally controlled its premises (although

some premises in Borger were controlled by the U.S. government at one time). Defendant did not control the details of the work of its contractors.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiffs latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10-K 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 because it is overly broad, vague, ambiguous and unspecific and multifarious and seeks to require this Defendant to marshal its evidence. Defendant objects to this Request because it fails to specify the document sought with reasonable particularity and amounts to a "fishing expedition." The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant generally controlled its premises (although some premises in Borger were controlled by the U.S. government at one time). Defendant did not control the details of the work of its contractors.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, vague, unduly burdensome, fails to specify the documents sought with reasonable

particularity and amounts to a “fishing expedition.” Further, the request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Because Plaintiff has failed to adequately define the Premises At Issue and the Time Period At Issue, Defendant is unable to respond to this Request.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Because Plaintiff has failed to adequately define the Premises At Issue and the Time Period At Issue, Defendant is unable to respond to this Request.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s

possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request to the extent the requested documents are public records.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and

reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Further, Plaintiff has failed to identify his employer or the time period at issue. Defendant does not know if Plaintiff ever worked on its premises for any employer.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, amounts to a "fishing expedition," and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

**PLAINTIFF'S REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Defendant objects to this Request because it is vague and overly broad. This Request fails to define "utilized". Subject thereto, admitted.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further objects because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was supposedly on Defendant's premises and what craft he may have been performing and for what employer.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE

Denied.

REQUEST FOR PRODUCTION [sic] NO. 62:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Defendant further object because the request assumes that Plaintiff worked on Defendant's premises and Defendant cannot admit or deny same. Further, Defendant objects because the request seeks to reverse the burden of proof and seeks to require this Defendant to speculate as to when and where Plaintiff was supposedly on Defendant's premises and what craft he may have been performing and for what employer.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and vague. Subject thereto, Defendant admits only that some of its employees worked with asbestos-containing products.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to the this request because it is overly broad, vague, and lacks specificity. Subject thereto, Defendant admits during some of the time period at issue that some contractors on its premises worked with asbestos containing materials. For further answer, see answer to Interrogatory 2.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Defendant admits that it has been aware of the presence of asbestos-containing products on Defendant's premises during the relevant time period. Subject thereto, Defendant admits during some of the time period at issue that some contractors on its premises worked with asbestos containing materials. For further answer, see answer to Interrogatory 2.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Defendant admits that it has been aware of the use of asbestos-containing products on Defendant's premises during the relevant time period. Subject thereto, Defendant admits during some of the time period at issue that some contractors on its premises worked with asbestos containing materials. For further answer, see answer to Interrogatory 2.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request. Plaintiff has failed to adequately define the premises and time period at issue.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request. Plaintiff has failed to adequately define the premises and time period at issue.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant objects to this request on the grounds that it is overly broad, vague, and lacks specificity. Subject thereto, Defendant admits that it utilized asbestos-containing materials during portions of the years at issue. Defendant relied on product manufacturers to provide insulation products meeting its specifications.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE

Admitted.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Admitted that asbestos containing products were still in place. In the early 1970s Defendant specified the use of asbestos-free insulation.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Admitted that asbestos containing products were still in place. In the early 1970s Defendant specified the use of asbestos-free insulation.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Defendant objects to this Request as being outside of the relevant time period and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objections and subject thereto, see Response to Request for Admission No. 14 above.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos.

Subject thereto, Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, and lacking in specificity. Subject thereto, Defendant admits that it was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos, whether such information was provided in English or Spanish. Further Defendant admits that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is not limited to the premises and time periods relevant to this case. Plaintiff has failed to adequately identify which premise(s) and specific time periods he allegedly worked at such premise(s).

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request as worded.

It was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos. Defendant admits only that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is not limited to the premises and time periods relevant to this case. Plaintiff has failed to adequately identify which premise(s) and specific time periods he allegedly worked at such premise(s).

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request as worded.

It was the responsibility of contractors to meet applicable guidelines and provide to their employees health and safety information concerning the use of asbestos, whether it was in English or Spanish. Defendant admits only that it provided information to persons on its premises during part of the relevant time period and in compliance with OSHA.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and

reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Plaintiff has failed to adequately define the premises and time period at issue. Further, Defendant objects to this Request as vague because "in use" is not defined. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

Plaintiff has failed to adequately define the premises and time period at issue. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE

Plaintiff has failed to identify the premises at issue. Some of Defendant's premises in Jefferson County Texas, were under U.S. Government control at one time. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE

Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE

Plaintiff has failed to identify the premises at issue and failed to identify specific time periods at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Plaintiff has failed to identify the premises at issue and failed to identify specific time periods at issue. Some of Defendant's premises in Jefferson County Texas, were under U.S. Government control during certain years. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE

Denied.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacks specificity. There is no showing that any plaintiff did not understand English and the request is therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Further the term "business invitees" is so broad as to include anyone who may have set foot on the premises.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, and lacks specificity. There is no showing that any plaintiff did not understand English and the request is therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Further the term "business invitees" is so broad as to include anyone who may have set foot on the premises.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, lacking in specificity, not limited to relevant time periods nor to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Defendant states that it was the responsibility of contractors to provide the safety orientation to their employees.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

Defendant objects to this request because it is overly broad, vague, lacking in specificity, not limited to relevant time periods nor to the issues in this case and is not reasonable calculated to lead to the discovery of admissible evidence. Subject thereto, Defendant states that it was the responsibility of contractors to provide the safety orientation to their employees in English or Spanish as appropriate.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees.

REQUEST FOR PRODUCTION NO. 65

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and

reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Subject to the objections, Defendant admits only that it sometimes provided specifications for materials or equivalents.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v.*

Martin, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to the objections and without waiving same, Defendant will make available for inspection and copying documents still in Texaco Inc.'s possession which may be responsive to this request at an offsite storage facility in the State of Oklahoma at a reasonable time and upon reasonable notice.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant states that it did exercise general right of control over its premises, including completion dates for contracts, but Defendant did not control the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant states that it did exercise general right of control over its premises, including completion dates for contracts, but Defendant did not control the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is

insufficient to enable Defendant to admit or deny this Request as worded. Subject to the objections, Defendant admits only that it sometimes provided specifications for materials or equivalents.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors or their employees

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant states that it did exercise general right of control over its premises, including completion dates for contracts, but Defendant did not control the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request as worded. Defendant admits that it provided general instructions and specifications relating to work to be performed and exercised the right of general control

over its premises, but denies that it controlled the details of the work of contractors or their employees

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant states that it did exercise general right of control over its premises, including the rejection of defective work, but Defendant did not control the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant states that it did exercise general right of control over its premises, including the rejection of defective work, but Defendant did not control the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Plaintiff has failed to identify his employer while allegedly working at Defendant's premises. Plaintiff has failed to identify the premises at issue. Defendant denies that it controlled the details of the work of contractors or their employees. After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this Request.