



IN RE: All Asbestos-Related Personal	§	IN THE DISTRICT COURTS
Injury or Death Cases Filed	§	
By Baron & Budd, P.C. or to	§	OF DALLAS COUNTY, TEXAS
Be Filed by Baron & Budd, P.C.	§	
In Dallas County, Texas	§	191st JUDICIAL DISTRICT

**CSR AMERICA, INC.'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' REQUESTS FOR PRODUCTION**

TO: Plaintiffs, by and through their counsel of record, Russell Budd, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

Subject to and without waiver of any pending special appearances contesting personal jurisdiction, CSR America, Inc. ("CSR America") hereby files its Objections and Responses to Plaintiffs' Requests for Production to CSR America (the "Requests for Production") pursuant to Texas Rule of Civil Procedure 167.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. CSR America was incorporated in 1981 as CMR Holdings (USA) Limited. CMR subsequently changed its name to RMC Holdings (USA) Limited and then to CSR America, Inc. CSR America has never mined, manufactured, sold, distributed, designed, marketed, re-labeled, installed, applied, purchased, or supplied any asbestos or "asbestos-containing product." In short, CSR America has never had any involvement of any kind with asbestos or asbestos-containing products. Therefore, CSR America objects to each of the Requests for Production because, as to CSR America, they are unnecessarily overbroad, unduly

burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. See TEX. R. CIV. P. 166b.

2. CSR America has never acquired or held the assets or liabilities of any business entity which has mined, manufactured, sold, distributed, designed, marketed, re-labeled, installed, applied, purchased, or supplied any asbestos or "asbestos-containing product." Therefore, CSR America objects to each of the Requests for Production because, as to CSR America, they are unnecessarily overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. See TEX. R. CIV. P. 166b.

3. CSR America objects to the Requests for Production in their entirety because they are virtually unlimited in time and scope and are not limited to the alleged injuries of any Plaintiff asserting claims against CSR America or to products to which those Plaintiffs allege exposure. Indeed, as stated above, CSR America has no association with any products to which Plaintiffs allege exposure. In addition, the stated time period for which the Requests for Production seek documents (1930 to the present) is over sixty-five (65) years. Thus, the Requests for Production are overbroad, unduly burdensome and oppressive. See TEX. R. CIV. P. 166b, 167. Instead, the Requests for Production are an impermissible "fishing expedition" and/or "effort to dredge the lake in hopes of finding a fish." See *Texaco, Inc. v. Sanderson*, 38 Tex. S. Ct. J. ___, 1995 WL 317693 (Tex. 1995) (holding that document request in asbestos and benzene product liability case that

was not limited to relevant products, time, place or subject matter was so overbroad as to constitute an "effort to dredge the lake in hopes of finding a fish"); *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) ("Rule 167 is not a fishing rule. It cannot be used simply to explore").

4. CSR America notes that it has pending special appearances seeking to dismiss any Dallas County, Texas asbestos actions against it on the basis that the courts lack personal jurisdiction over it in such actions. CSR America's objections and responses to the Requests for Production are expressly made subject to and without waiver of any personal jurisdiction arguments.

5. CSR America objects to the Interrogatories and Requests for Production to the extent that they seek information protected by the attorney-client communication privilege, the attorney work product doctrine, the party communication privilege, the joint defense privilege, any other applicable privilege or exemption from discovery or for which CSR America has contractual or fiduciary obligations, whether express or implied, to maintain as confidential. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

6. CSR America objects to Definition No. 2 of the Requests for Production, which defines "identify" or "identity" in reference to documents as an instruction to provide a description of the "present location, present custodian, and the purposes for which the document was created or prepared," because it purports to impose obligations upon CSR America that are not contained in the Texas Rules of Civil Procedure and are beyond the scope of permissible discovery.

7. CSR America objects to Definition 5 of the Requests for Production which defines "Defendant," "You," "Your," "Your company" to include "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates" because it includes entities that are legally separate and distinct from CSR America, that are not parties to any Dallas County, Texas asbestos litigation, and that are not related in any way to the claims asserted by any Plaintiff against CSR America. CSR America also objects to Definition 5 of the Requests for Production, which includes "present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries and/or affiliates" because it includes former officers, directors, agents or employees, over whom CSR America has no control and because it includes officers, directors, agents, or employees of entities that are legally separate and distinct from CSR America, that are not parties to any Dallas County, Texas asbestos litigation and that are not related in any way to claims of any Plaintiff asserted against CSR America. Definition 5 to the Requests for Production is overbroad, unduly burdensome, harassing, oppressive, and includes entities for which the Requests for Production are irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b. Thus, Definition 5 renders the Requests for Production an impermissible "fishing expedition" and/or "effort to dredge the lake in hopes of finding a fish." *See Texaco, Inc. v. Sanderson*, 38 Tex. S. Ct. J. ___, 1995 WL 317693 (Tex. 1995) (holding that document request in asbestos and benzene product liability case that

was not limited to relevant products, time, place or subject matter was so overbroad as to constitute an "effort to dredge the lake in hopes of finding a fish"); *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) ("Rule 167 is not a fishing rule. It cannot be used simply to explore"). Unless specifically stated otherwise, the responses to the Requests for Production contained herein are limited to CSR America.

8. CSR America objects to Definition 6 of the Requests for Production which includes as a "document" or "documents" materials that "are now or were formerly in the possession, custody, or control" of CSR America or any of CSR America's subsidiaries or merged or acquired predecessors for two reasons. First, inclusion of any CSR America subsidiary or predecessor renders this definition overbroad, unduly burdensome, harassing, oppressive, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Unless specifically stated otherwise, the responses to the Requests for Production contained herein are limited to CSR America. *See* Paragraph 3, above. Second, inclusion of documents "formerly in the possession, custody or control" renders the definition and Requests for Production beyond the permissible scope of discovery and seeks to impose an obligation not contained in the Texas Rules of Civil Procedure, namely to produce documents over which it no longer has possession, custody or control. *See* TEX. R. CIV. P. 166b, 167.

9. CSR America objects to Instruction 1 of the Requests for Production, which purports to require documents to be "segregated according to the Request in response to which they are produced" because it seeks to impose an obligation

upon CSR America that is not contained in the Texas Rules of Civil Procedure. Rather, the Texas Rules of Civil Procedure state that a party producing documents may either produce them as kept in the ordinary course of business or organize them to correspond with categories of the request. *See* Tex. R. Civ. P. 167.1.f.

10. CSR America objects to Instruction 2 of the Requests for Production, which purports to require CSR America to create and produce an index to "identify" each "document or set of documents being produced" because no such obligation to create additional documents or to produce an index of documents exists under the Texas Rules of Civil Procedure.

11. CSR America objects to Instruction 3 of the Requests for Production to the extent that it purports to require identification of "the name of any and all persons who have seen the document" with respect to any documents that are withheld on the grounds of privilege because no such obligation exists under the Texas Rules of Civil Procedure.

12. CSR America objects to Instruction 4 of the Requests for Production, which purports to require statement of "specific reasons" for any burdensome or oppressive objection and purports to require CSR America to "produce examples of the documents in question" because no such obligation exists under the Texas Rules of Civil Procedure.

13. CSR America objects to Instruction 5 of the Requests for Production, which states that the Requests for Production relate to "documents and other things created, written, or produced between 1930 and the present," because it is overbroad, unduly burdensome, not related or limited to claims asserted by any

Plaintiff against CSR America, and renders the Requests for Production, at least in part, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. *See* TEX. R. CIV. P. 166b, 167. Thus, Instruction 5 renders the Requests for Production an impermissible "fishing expedition and/or "effort to dredge the lake in hopes of finding a fish." *See Texaco, Inc. v. Sanderson*, 38 Tex. S. Ct. J. ___, 1995 WL 317693 (Tex. 1995) (holding that document request in asbestos and benzene product liability case that was not limited to relevant products, time, place or subject matter was so overbroad as to constitute an "effort to dredge the lake in hopes of finding a fish"); *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989) ("Rule 167 is not a fishing rule. It cannot be used simply to explore").

II.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

CSR America incorporates the foregoing Preliminary Statement and General Objections into its response to each of the following Requests for Production. Subject to and without waiver of those objections, CSR America provides the following responses to the Requests for Production.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production because the phrase "manufacturers, suppliers or distributors of asbestos-containing products" is vague and ambiguous and does not set forth with reasonable particularity the documents requested. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks production of documents protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503, TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production because it is vague and ambiguous in use of the phrase "collected by Defendant in the course of discovery." CSR further objects to this Request for Production to the extent that it seeks production of documents protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege, the consulting expert exemption, or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. CSR America also objects to this Request for Production to the

extent that it seeks production of documents that "will be used by Defendant at time of trial" because it is an improper request for the work product of CSR America's counsel. *See Texas Tech University Health Sciences Center v. Schild*, 828 S.W.2d 502, 504 (Tex. App.--El Paso 1992, orig. proceeding). Moreover, CSR America objects to this Request for Production to the extent that it seeks production of documents or materials created or prepared by entities not related to CSR America that are equally available to Plaintiffs as to CSR America "in the course of discovery" because it subjects CSR America to unnecessary expense. *See* TEX. R. CIV. P. 166b, 167. Subject to and without waiver of those objections, CSR America responds that it has not yet determined who it may call to testify at trial as an expert witness, but at the appropriate time, CSR America will make available to Plaintiffs' counsel any documents that will be relied upon at trial by any expert witness called to testify by CSR America.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production because a request for "all documents ... relating to insurance or insurance coverage or proceeds" is overbroad, unduly burdensome, harassing, oppressive and to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and beyond the scope of permissible

discovery. *See* TEX. R. CIV. P. 166b, 167. CSR America also objects to this Request for Production to the extent that it seeks documents protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege and any other applicable privilege or exemption from discovery. *See* Tex. R. Civ. Evid 503, TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that copies of any relevant insurance policies or agreements will be produced at a mutually convenient time and location.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive photographs.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of

those objections, CSR America responds that it does not have possession, custody or control over any responsive photographs or photocopies.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production because the phrase "introduction into the market or stream of commerce" renders the Request for Production vague and ambiguous. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 14:

Any documents, books, pamphlets, memoranda, articles or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings and that have been maintained in the possession of Defendant.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Moreover, CSR America objects to this Request for Production to the extent that it encompasses information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503, TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, the joint defense

privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege and/or any other applicable privilege or exemption from discovery. *See*

TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, the joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, the joint defense privilege and/or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America further objects to this Request for Production because the phrase "threshold limit values" is vague and ambiguous. CSR America also objects to this Request for Production to the extent that it seeks documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the party communications privilege, the investigative privilege, the joint defense privilege and/or any other applicable

privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents relating to asbestos or asbestos-containing products.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents relating to asbestos or asbestos-containing products.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Moreover, CSR America objects to

this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, the attorney work product doctrine, the investigative privilege, the party communications privilege, the joint defense privilege and/or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503, TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from

discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. See TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control of any responsive documents.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein.

REQUEST FOR PRODUCTION NO. 39:

Any documents related to work accidents sustained by any of Defendant's employees involving the inhalation of fumes, gases or dusts and safety guidelines related to such inhalation, including but not limited to all accident reports or

other written materials related in any way to injuries resulting from such inhalations.

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. CSR America also objects to this Request for Production to the extent that it seeks information protected from discovery by the attorney-client privilege, attorney work product doctrine, investigative privilege, party communications privilege, joint defense privilege and/or any other applicable privilege or exemption from discovery. *See* TEX. R. CIV. EVID. 503; TEX. R. CIV. P. 166b.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if set forth fully herein. Subject to and without waiver of those objections, CSR America responds that it does not have possession, custody or control over any responsive documents.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

CSR America incorporates the foregoing Preliminary Statement and General Objections as if fully set forth herein. CSR America further objects to this Request for Production to the extent that it seeks production of documents which are equally available to the Plaintiffs as to CSR America. CSR America also objects to this Request for Production because it is irrelevant, immaterial, overbroad, harassing, not reasonably calculated to lead to the discovery of admissible evidence, and seeks admissions or information regarding entities which have no relationship to asbestos or asbestos-containing products or to any of Plaintiffs' alleged injuries and regarding entities that are legally separate and distinct from CSR America and are not parties to this action. *See* TEX. R. CIV. P. 166b.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT CSR
AMERICA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to counsel of record in accordance with Rule 21a, TEX. R. CIV. P., on this the 12th day of June, 1995.

Beth L. Fancsali

Beth L. Fancsali

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