



CAUSE NO. 90G2055

WELDON R. MOAKE, and JANICE I.	§	IN THE DISTRICT COURT OF
MOAKE; KEVIN R. MOAKE; DANA R.	§	
ASHLEY; and MACK K. MOAKE	§	
	§	
v.	§	BRAZORIA COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLASS	§	
CORPORATION, (a/k/a OWENS CORNING	§	
CORPORATION), <i>et al.</i>	§	239 TH JUDICIAL DISTRICT

**DEFENDANT KERR-McGEE CORPORATION'S OBJECTIONS
AND RESPONSES TO PLAINTIFF WELDON R. MOAKE'S
FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION,
AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff, Weldon R. Moake
By and through his attorneys of record:
Ms. Holly J. Huart
BARON & BUDD, A PROFESSIONAL CORPORATION
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

COMES NOW DEFENDANT Kerr-McGee Corporation (erroneously sued as Kerr-McGee Corporation, Individually and as Successor to Southwestern Oil & Refining Company), and serves this its Objections and Responses to Plaintiff Weldon R. Moake's First Set of Interrogatories, First Request for Production, and First Request for Admission.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.

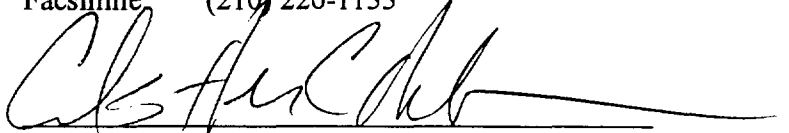
800 Alamo Center

106 S. St. Mary's Street

San Antonio, Texas 78205

Telephone: (210) 226-1166

Facsimile: (210) 226-1133



Richard C. Danysh

State Bar No. 05377700

Christopher C. Rulon

State Bar No. 00791580

ATTORNEYS FOR DEFENDANT,
KERR-McGEE CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2000, a true and correct copy of the foregoing has been served by certified mail, return receipt requested on:

Ms. Holly J. Huart

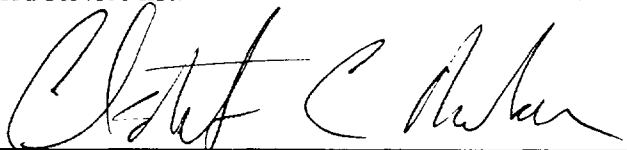
BARON & BUDD, A PROFESSIONAL CORPORATION

The Centrum, Suite 1100

3102 Oak Lawn Avenue

Dallas, Texas 75219

and by regular mail to all counsel on the attached service list.



Richard C. Danysh

Christopher C. Rulon

**OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES,
REQUESTS FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

GENERAL OBJECTIONS AND COMMENTS

Defendant objects to the instructions and definitions accompanying Plaintiff's interrogatories, request for production and request for admissions. Defendant's response is made in compliance with the Texas Rules of Civil Procedure and other applicable law, and not those obligations purportedly imposed by Plaintiff. Likewise, when making this response, Defendant has employed the ordinary and common meanings for those terms to which definitions have been assigned by Plaintiff, and not Plaintiff's definitions.

Defendant's use of the term Plaintiff in these responses refers to Plaintiff Weldon R. Moake individually; but where context requires, also refers to Plaintiffs Janice I. Moake, Kevin R. Moake, Dana R. Ashley and Mack K. Moake. Defendant's use of the terms facility or premises refers to the Southwestern Oil Refinery located in Corpus Christi, Texas.

These responses are based on the information available to this Defendant at this time. Defendant reserves the right to supplement these responses if, as and when additional responsive information is acquired.

INTERROGATORY NO. 1:

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

ANSWER:

Ronald H. Norris
2010 Paul Jones
Corpus Christi, Texas 78412
Length of time employed: 21 years
Positions: 1971-1978 Maintenance Mechanic
1978-1980 Planning Supervisor
1980-1996 Manager, Industrial Relations

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE:

Denied as framed.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information prepared or compiled in anticipation of litigation.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1989.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed.

INTERROGATORY NO. 2:

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

- a. What these products were used for.
- b. From whom these products were purchased.
- c. Where these products were installed.

- d. Specific persons or contractors who install these products.
- e. The first year each product was no longer purchased and installed on Defendant's Premises.

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this interrogatory. However, without waiving said objection, not applicable.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information prepared or compiled in anticipation of litigation.

At this stage of discovery, Defendant has not located documents responsive to this request.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific; and

- b. it asks for the admission of a proposition of law.

Denied as framed.

INTERROGATORY NO. 3:

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

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

ANSWER:

Yes, asbestos was removed or abated after Defendant acquired the facility in 1974. To the extent which they exist and can be located, records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege;
- c. it seeks discovery of information prepared or compiled in anticipation of litigation;
and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant admits Plaintiff visited the facility after its acquisition by Defendant in 1974 in the course and scope of his employment by J. T. Thorpe Insulation. Defendant further admits these visits occurred from time to time until Plaintiff's separation from Thorpe in 1988.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Other than discovery products from this litigation, which are equally available to Plaintiff as to Defendant, Defendant is not currently aware of any responsive documents.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1989, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- c. it seeks discovery of attorney work product which is exempt; and
- d. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1952 and 1989, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- c. it seeks discovery of attorney work product which is exempt;
- d. it seeks discovery of information protected by the attorney-client privilege; and
- e. it constitutes undue harassment and/or annoyance.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between 1952 and 1989 and for each state:

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

ANSWER:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this interrogatory. However, without waiving said objection, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1989, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- c. it seeks discovery of attorney work product which is exempt; and
- d. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1952 and 1989.

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and unqualified as to time; and
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant admits Plaintiff visited the facility after its acquisition by Defendant in 1974 in the course and scope of his employment by J. T. Thorpe Insulation. Defendant further admits these visits occurred from time to time until Plaintiff's separation from Thorpe in 1988. Otherwise, Defendant cannot admit or deny this request.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

INTERROGATORY NO. 6:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected to this interrogatory. However, without waiving said objection, at this stage of discovery, Defendant is not making such a contention, but reserves its right to do so once discovery is substantially complete.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant admits Plaintiff visited the facility after its acquisition by Defendant in 1974 in the course and scope of his employment by J. T. Thorpe Insulation. Defendant further admits these visits occurred from time to time until Plaintiff's separation from Thorpe in 1988. Otherwise, Defendant cannot admit or deny this request.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant admits Plaintiff visited the facility after its acquisition by Defendant in 1974 in the course and scope of his employment by J. T. Thorpe Insulation. Defendant further admits these visits occurred from time to time until Plaintiff's separation from Thorpe in 1988. Otherwise, Defendant cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits it was aware that asbestos was present in the facility after the facility was acquired by Defendant in 1974. Thereafter, the asbestos was removed or abated.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

INTERROGATORY NO. 7:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this interrogatory. However, without waiving said objection, when asbestos removal activities were ongoing, signs were posted at or near where the activities were being conducted. If the signs or similar signs are located (Defendant sold the facility in 1995 and therefore no longer owns it), Defendant will produce them for inspection at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

At this stage of discovery, Defendant has not located documents or other tangible things believed to be responsive to this request.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

INTERROGATORY NO. 8:

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

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific; and
- b. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this interrogatory. However, without waiving said objection, to the extent which they exist and can be located, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege;
- c. it seeks discovery of information prepared or compiled in anticipation of litigation;
and
- d. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

INTERROGATORY NO. 9:

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

ANSWER:

At this stage of discovery, Defendant is not making such a contention. However, Defendant did not need to warn Plaintiff because Plaintiff was already aware of the hazards of asbestos prior to Defendant's acquisition of the facility in 1974. Specifically, Plaintiff testified during his deposition in this case that he learned of the hazards in 1972.

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific; and
- b. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this interrogatory. However, without waiving said objection, to the extent which they exist and can be located, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

INTERROGATORY NO. 11:

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

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this interrogatory. However, without waiving said objection, protective equipment was provided to Defendant's employees working at the facility in dusty conditions and when removing or handling asbestos. At this stage of the case, Defendant cannot say when such was furnished except that such is believed to have been done in the 1970s and 1980s forward. However, such equipment was not provided to contractors working at the facility. The contractors had their own equipment. This Defendant does not know who the "most knowledgeable" persons concerning Defendant's "safety equipment" policies are.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1952-1989 for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Denied as framed.

INTERROGATORY NO. 12:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1952 to determine the quantity of asbestos fibers in the air at the Kerr-McGee Corporation (individually and as successor to Southwestern Oil & Refining Company) facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence; and
- b. it is overly broad, vague and unqualified as to time.

Defendant has objected to this interrogatory. However, without waiving said objection, Defendant is not making such a contention at this stage of discovery. Defendant would also point out that it did not acquire the facility until 1974.

INTERROGATORY NO. 14:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- c. to respond would be unduly burdensome and unnecessarily expensive.

Defendant has objected to this interrogatory. However, without waiving said objection, at this stage of discovery, Defendant has not identified any such inspections.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, not applicable.

INTERROGATORY NO. 15:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this interrogatory. However, without waiving said objection, when asbestos removal activities were ongoing, signs were posted at or near where the activities were being conducted. If the signs or similar signs are located (Defendant sold the facility in 1995 and therefore no longer owns it), Defendant will produce them for inspection at a mutually agreeable date, time and place.

INTERROGATORY NO. 16:

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

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this interrogatory. However, without waiving said objection, Defendant required employees to wear respirators or protective equipment when working in dusty conditions. The requirement was in place when Defendant acquired the facility in 1974.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1989, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity; and
- b. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1952 and 1989, Defendant had power to control Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1952 and 1989, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1952 and 1989, Defendant had the power to superintend the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1952 and 1989, Defendant had the power to restrict the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1952 and 1989, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1952 and 1989, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1952 and 1989, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1952 and 1989, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 30:

Admit that between the years 1952 and 1989, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 31:

Admit that, between the years 1952 and 1989 Defendant controlled Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1952 and 1989, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1952 and 1989, Defendant directed the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1952 and 1989, Defendant superintended the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1952 and 1989, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1952 and 1989, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1952 and 1989, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1952 and 1989, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1952 and 1989, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire the facility until 1974.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1952 and 1989, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Kerr-McGee Corporation (individually and as successor to Southwestern Oil & Refining Company) facility, who were engaged in activities which could be potentially hazardous to either themselves or Kerr-McGee Corporation (individually and as successor to Southwestern Oil & Refining Company) employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it is overly broad, vague and unqualified as to time; and
- c. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;

- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant admits asbestos was already present in the facility when the facility was acquired by Defendant in 1974, and that thereafter, the asbestos was removed and abated.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

INTERROGATORY NO. 18:

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

ANSWER:

At this stage of discovery, Defendant is not aware of specifically how or when it learned of potential asbestos hazards.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 55;

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 on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;

- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

INTERROGATORY NO. 19:

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

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. it is overly broad, vague and unqualified as to time; and
- b. it requires the marshaling of evidence.

Defendant has objected to this interrogatory. However, without waiving said objection, yes, because:

Defendant did not purchase, own, occupy or operate the premises at all or some of the times Plaintiff claims to have been exposed to asbestos fibers. Defendant did not acquire its interest in the premises until 1974, and by 1995, Defendant relinquished that interest.

Some or all of the Plaintiff's employers did not perform work or services at the refinery and, therefore, Plaintiff was not exposed to asbestos fibers as claimed at the refinery while working for certain of his employers.

Plaintiff's claimed exposure to asbestos occurred either entirely or partially at other premises owned, occupied or operated by third parties.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time; and
- b. it asks for the admission of a proposition of law.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege; and
- c. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege; and
- c. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 59:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and

- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege;
- d. it requires the marshaling of evidence; and
- e. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

At this stage of discovery, Defendant is not making such a contention.

REQUEST FOR PRODUCTION NO. 62:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege;
- c. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- d. it constitutes undue harassment and/or annoyance; and
- e. it requires the marshaling of evidence.

REQUEST FOR PRODUCTION NO. 64:

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

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes,

CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. to respond would be unduly burdensome and unnecessarily expensive.

INTERROGATORY NO. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

ANSWER:

Defendant objects to this interrogatory on the following grounds:

- a. to respond would be unduly burdensome and unnecessarily expensive.

Defendant has objected to this interrogatory. However, without waiving said objection, non-exempt and non-privileged records from which the answer to this interrogatory may be derived or ascertained will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it asks for the admission of a proposition of law.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it asks for the admission of a proposition of law.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request. Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Plaintiff to admit or deny this request. Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR PRODUCTION NO. 67:

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 on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege;
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- e. to respond would be unduly burdensome and unnecessarily expensive.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 70:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;

- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 74:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege; and
- c. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

At this stage of discovery, Defendant has not located documents responsive to this request.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;

- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege;
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- e. to respond would be unduly burdensome and unnecessarily expensive.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege; and
- c. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege;
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- e. to respond would be unduly burdensome and unnecessarily expensive.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt; and
- b. it seeks information outside the scope or method of permissible discovery as to experts.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it requires the marshaling of evidence.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege;
- c. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence;
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- e. to respond would be unduly burdensome and unnecessarily expensive.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege;
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research; and
- e. to respond would be unduly burdensome and unnecessarily expensive.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected this request. However, without waiving said objection, and at this stage of discovery, Defendant is not aware of non-exempt and non-privileged documents believed to be responsive to this request.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of information that constitutes an invasion of personal and constitutional rights of individuals;
- b. it seeks discovery of information protected by the attorney-client privilege;
- c. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt;
- b. it seeks discovery of information protected by the attorney-client privilege; and
- c. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it seeks discovery of attorney work product which is exempt; and
- b. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time;
- b. it seeks discovery of attorney work product which is exempt;
- c. it seeks discovery of information protected by the attorney-client privilege; and
- d. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos.

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. it seeks discovery of attorney work product which is exempt; and
- c. it seeks discovery of information protected by the attorney-client privilege.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time;
- b. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- c. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence;
- d. to respond would be unduly burdensome and unnecessarily expensive;
- e. it constitutes undue harassment and/or annoyance;
- f. it seeks discovery of attorney work product which is exempt;
- g. it seeks discovery of information protected by the attorney-client privilege; and
- h. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

REQUEST FOR PRODUCTION NO. 98:

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

RESPONSE:

Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and does not identify items to be produced with reasonable particularity;
- b. to respond would be unduly burdensome and unnecessarily expensive;
- c. it seeks discovery of attorney work product which is exempt;
- d. it seeks discovery of information protected by the attorney-client privilege; and
- e. it seeks discovery of information equally available to Plaintiff's attorneys through their own legal research.

Defendant has objected to this request. However, without waiving said objection, once Plaintiff has clarified what documents are sought, non-exempt and non-privileged documents responsive to this request, if any exist, will be produced at a mutually agreeable date, time and place.

STATE OF TEXAS

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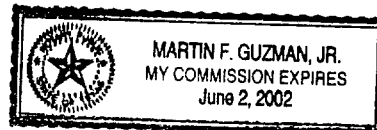
COUNTY OF NUECES

Ronald H. Norris, being first duly sworn, on oath deposes and says that he is authorized by Defendant Kerr-McGee Corporation (erroneously sued as Kerr-McGee Corporation, Individually and as Successor to Southwestern Oil & Refining Company) to sign this verification; that he has read the foregoing Defendant Kerr-McGee Corporation's Objections and Responses to Plaintiff Weldon R. Moake's First Set of Interrogatories, First Request for Production, and First Request for Admissions (Responses) by him subscribed and knows the contents thereof; that said Responses were prepared with the assistance and advice of counsel and the assistance of former employees and representatives of Kerr-McGee Corporation upon which he has relied; that the information set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these Responses; and that subject to the limitations set forth herein the said Responses are true to the best of his knowledge, information and belief.


Ronald H. Norris

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 11th day of July, 2000, to certify which witness my hand and seal of office.


Notary Public, State of Texas



Company	Contact	Phone	Phone Ext.	Title	Address 1	Address 2	City	State	Zip	ID/Status
Andrews & Kurth, L.L.P.	Mr. Thomas W. Taylor	[1] 713-220-4200			4200 Chase Tower	600 Travis	Houston	TX	77002	Defendant C
Baker Botts, L.L.P.	Mr. Peter A. Moir	[1] 214-953-6500			2001 Ross Avenue		Dallas	TX	75201	Defendant C
Bean & Manning	Ms. Beth McGregor	[1] 713-651-1900			5847 San Felipe Street, S		Houston	TX	77057	Defendant C
Bourland, Kirkman, Seidman, Jamshyd M. Zahed		[1] 817-336-2800			201 Main Street, Suite 140		Fort Worth	TX	76102	Defendant C
Bowers, Orr & Robertson	Mr. Thomas Dougall	[1] 803-788-5220			8910 Two Notch Road, S.P.O. Box 25389		Columbia	SC	29224	Defendant C
Bracewell & Patterson, L.L.P.	Mr. Richard C. Danysh	[1] 210-226-1166	3475		800 One Alamo Center	106 S. St. Mary	San Antonio	TX	78205	Defendant C
Brazoria County, Texas	Mr. Jerry Deere	[1] 409-849-5711	1313	District Clerk	111 East Locust Street, Su		Angleton	TX	77515-467	Clerk
Brin & Brin, P.C.	Mr. Tom Nye	[1] 361-881-9843			1202 Third Street		Corpus Christi	TX	78404	Defendant C
Brobeck, Phleger & Harris	Mr. Jeffery Mundy	[1] 512-477-5495			301 Congress Avenue, Su		Austin	TX	78701	Defendant C
Brown McCarroll & Oaks	Mr. John T. Ward	[1] 713-529-3110			1300 Wortham Tower	2727 Allen Park	Houston	TX	77019-210	Defendant C
Coats, Rose, Yale, Holm	Mr. James M. Riley, Jr.	[1] 713-651-0111			800 First City Tower	1001 Fannin	Houston	TX	77002-670	Defendant C
Cordray, Goodrich & Milne	Mr. Lewis C. Miltenberger	[1] 817-820-0343			One Century Plaza, Suite 108 W. 8th St	Fort Worth		TX	76102	Defendant C
Crain, Calton & James	Mr. Frank Harmon	[1] 713-658-2323			3300 Two Houston Center		Houston	TX	77010	Defendant C
Crisp, Boyd & Poff, L.L.P.	Mr. Franklin A. Poff, Jr.	[1] 903-838-6123			2301 Moores Lane	P.O. Box 6297	Texarkana	TX	75505-628	Defendant C
DeHay & Elliston, L.L.P.	Mr. Mel D. Bailey	[1] 214-210-2400			3500 NationsBank Plaza	901 Main Street	Dallas	TX	75202-373	Defendant C
DeHay & Elliston, L.L.P.	Mr. Gary D. Elliston	[1] 214-210-2400			3500 NationsBank Plaza	901 Main Street	Dallas	TX	75202-373	Defendant C
Dunn, Kacal, Adams, Pap	Mr. Jerry Kacal	[1] 713-529-3993			2600 America Tower	2929 Allen Park	Houston	TX	77019	Defendant C
Fairchild Price Thomas	Mr. W. Miller Thomas	[1] 409-598-3317			413 Shelbyville Street		Center	TX	75935-133	Defendant C
Fairchild Price Thomas	Mr. R. Mark Willingham	[1] 713-426-1700			The Lyric Centre	440 Louisiana	Stouston	TX	77002	Defendant C
Galloway, Johnson, Tomp	Ms. Mary Lou Mauro	[1] 713-599-0700			3555 Timmons Lane, Suite		Houston	TX	77027	Defendant C
Hallett & Perrin, P.C.	Ms. Debra S. Fitzgerald	[1] 214-953-0053			1400 Maxus Energy Tower	17 North Harw	Dallas	TX	75201	Defendant C
Harris, Lively & Duesler	Mr. James M. Harris, Jr.	[1] 409-832-8382			550 Fannin Street, Suite 6P	O. Box 830	Beaumont	TX	77704	Defendant C
Hays, McConn, Rice & Pid	Mr. B. Stephen Rice	[1] 713-654-1111			1200 Smith Street, Suite 4		Houston	TX	77002	Defendant C
Hicks Thomas & Lienster	Mr. Taylor M. Hicks, Jr.	[1] 713-547-9100			700 Louisiana, Suite 1700		Houston	TX	77002	Defendant C
Hunton & Williams	Mr. David Craig Landin	[1] 804-788-8200			Riverfront Plaza, East Tow	451 East Byrd	Richmond	VA	23219-407	Defendant C
Johnson, Ferguson & Pip	Mr. Ned Johnson	[1] 713-961-3730			4900 Woodway, Suite 110		Houston	TX	77056	Defendant C
Kasowitz, Benson, Torres	Ms. Ellen B. Malow	[1] 713-220-8817			700 Louisiana, Suite 2200		Houston	TX	77002	Defendant C
Kirkley Schmidt & Cotten	Mr. Larry E. Cotten	[1] 817-338-4500			2700 City Center II	301 Commerce	Fort Worth	TX	76102	Defendant C
Livingston & Miller	Mr. David A. Livingston	[1] 281-876-3595			Paragon Center One	450 Gears Road	Houston	TX	77067	Defendant C
Locke Liddell & Sapp	Mr. John L. Hill, Jr.	[1] 713-226-1200			3400 Chase Tower	600 Travis Street	Houston	TX	77002	Defendant C
Phillips & Akers	Mr. Andrew T. McKinney	[1] 713-552-9595			3400 Phoenix Tower	3200 Southwes	Houston	TX	77027	Defendant C
Sammons & Parker, P.C.	Mr. Clay M. White	[1] 903-595-4541			218 North College		Tyler	TX	75702	Defendant C
Strasburger & Price, L.L.P.	Mr. Robert Keith Drumm	[1] 214-651-4300			901 Main Street, Suite 430		Dallas	TX	75202	Defendant C
Valero Refining Company	Mr. Richard Walsh	[1] 210-370-2604		In-House Counsel	P.O. Box 500		San Antonio	TX	78292-050	Defendant C
Walker, Kelling & Carroll	Mr. Ronald B. Walker	[1] 361-576-6800			210 East Constitution	P.O. Box 108	Victoria	TX	77902	Defendant C
Werner & Kerrigan	Mr. Philip Werner	[1] 713-628-2233			1300 Post Oak Boulevard,		Houston	TX	77056	Defendant C
White, Huseman & Pletch	Mr. Anthony E. Pletcher	[1] 361-883-3563			600 Leopard Street, Suite		Corpus Christi	TX	78403-270	Defendant C
Woodard, Hall & Primm	Mr. Edward M. Carstarph	[1] 713-221-3800			7100 Chase Tower	600 Travis Street	Houston	TX	77002	Defendant C