

NO. 97-4055-B

EPIMENIO CABRERA; AND JESUS  
IGNACIO CHAVERA;

Plaintiffs,

VS.

OWENS CORNING (a/k/a OWENS CORNING  
COROPORATION), ET AL.

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

NUECES COUNTY, TEXAS

117<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT REYNOLDS METALS COMPANY'S ANSWERS AND OBJECTIONS TO  
PLAINTIFFS' FIRST SET OF INTERROGATORIES, REQUEST FOR ADMISSIONS,  
AND REQUEST FOR PRODUCTION**

**GENERAL OBJECTIONS**

Reynolds objects to these "First Set" of Interrogatories and Requests for Production on the ground that Plaintiff already has served a first set of interrogatories and request for production, to which Reynolds has responded. Many of these discovery requests are duplicative of the first set. Moreover, the number of these requests exceed the permissible limit under the Texas Rules of Civil Procedure. Reynolds objects to the "Definitions" contained in Plaintiffs' Discovery Requests to the extent that they attempt to impose any obligations on Reynolds beyond the permissible scope of the Texas Rules of Civil Procedure. Reynolds specifically objects to the purported definition of "Defendant" to include "any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, born subsidiaries of predecessors, affiliates. . .present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate defendant or its predecessors, subsidiaries, and affiliates." To the extent that this definition refers to any individuals and/or entities which are not defendants in this case

and which have no connection to this case, Reynolds objects on the basis that discovery from or pertaining to these individuals and/or entities is overly broad, harassing, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Accordingly, Reynolds will respond only as to itself and only as to the relevant plants which Plaintiff identifies as premises at which he alleges asbestos exposure.

Reynolds further objects to this extensive discovery in its entirety as irrelevant, oppressive, overly broad, burdensome and harassing. Reynolds specifically objects to these Request for Admission to the extent that they seek information unrelated to the specific premises on which Plaintiff alleges he was exposed to asbestos, or to Reynolds' corporate-wide policies. Reynolds further objects to these Request for Admission to the extent that they pertain to matters outside of the relevant dates in which Plaintiff claims exposure.

Reynolds further objects to these Request for Admissions to the extent that they invade the attorney-client, party communications, self-critical analysis, witness statement and/or attorney work-product privileges and protections, or any other privilege or protection recognized under common law and/or statutory law.

Subject to and without waiving the foregoing objections, Reynolds responds as follows:

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 of all other positions, titles, or jobs held when working for Defendant.

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory as calling for information protected by the attorney-client privilege and/or work product protection.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to any specific plant or plants at which Plaintiff Epimenio Perez Cabrera claims exposure, nor is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that certain products and/or materials containing asbestos were used in certain applications at the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

See Response to Request for Admission No. 1.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or plants at which Plaintiff alleges exposure, nor is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that certain products and/or materials containing asbestos were used in certain applications at the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

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 Defendants Premises

ANSWER:

See General Objections. Reynolds further objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas

County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds further objects to this Request as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request on the ground that the phrase "all ordering and sales documents" is overly broad and does not describe with reasonable particularity the documents or category of documents requested.

Subject to and without waiving its objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas

County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because it assumes "Plaintiff was employed by Defendant," which he was not. Accordingly, this Request is denied.

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:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 13 (First**

**Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to the abatement of those asbestos-containing products to which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and, furthermore, is overly broad and unduly burdensome.

Subject to and without waiving its objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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 at Defendant's Premises, and in operation and maintenance plan.

RESPONSE:

In addition to the foregoing General Objections, Reynolds further objects to this Request as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence

Subject to and without waiving its objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was on a premises owned by Reynolds. Reynolds further objects to this Request in that the term “worked on” is vague and ambiguous.

Subject to and without waiving its objections, Reynolds states that it is without sufficient information to admit or deny Plaintiff Cabrera’s request. Accordingly, this Request is denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

See objections and response to Request for Admission No. 4. In addition to these objections, Reynolds objects to this Request to the extent that it seeks all documents supporting that Plaintiff Cabrera did not “work on” Reynolds’ premises, which is essentially a request for all documents. Subject to and without waiving its objections, none.

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:

See objections and response to Request for Admission No. 4. Subject to and without waiving its objections, none.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this Request is overly broad and burdensome in that it is not limited to (1) contractors and/or contractor's employees who sold, installed or removed asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request on the ground that the phrase "all records identifying contractors" on Reynolds' premises is overly broad and does not describe with reasonable particularity the documents or category of documents requested.

Subject to and without waiving its objections, Reynolds states that no such documents pertaining to the relevant time period exist.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this

Request is overly broad and burdensome in that it is not limited to (1) the identification of contractors and/or contractor's employees who sold, installed or removed asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request on the ground that the phrase "all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities" is overly broad and does not describe with reasonable particularity the documents or category of documents requested.

Subject to and without waiving its objections, Reynolds states no such documents pertaining to the relevant time period exists.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue 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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory in that it seeks information which is irrelevant in its entirety. Furthermore, this Interrogatory is overly broad and burdensome in that it is not limited to (1) the identification of contractors and/or contractor's employees who sold, installed or removed asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor,

(2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and, furthermore, is overly broad and unduly burdensome.

Subject to and without waiving its objections, Reynolds states that should Plaintiffs appropriately tailor this Interrogatory to relevant contractors, relevant time periods, relevant asbestos-containing products, and relevant documents or types of documents requested, Reynolds will attempt to determine whether any responsive documents exist.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this Request is overly broad and burdensome in that it is not limited to (1) contract documents related to the sale, installation or removal of asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request on the ground that the phrase "all contract documents" is overly broad and does not describe with reasonable particularity the documents or category of documents requested. Reynolds further objects to this Request in that it seeks confidential and proprietary documentation.

Subject to and without waiving its objections, Reynolds refers plaintiff to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

INTERROGATORY NO. 5:

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

ANSWER:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this Request is overly broad and burdensome in that it is not limited to (1) contract documents related to the sale, installation or removal of asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request in that it seeks confidential and proprietary documentation.

Subject to and without waiving its objections, Reynolds refers plaintiff to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present. Reynolds further objects to this Request in that the phrases “worked on Defendant's Premises” and “used or applied asbestos-containing products” are vague and ambiguous.

Subject to and without waiving its objections, Reynolds states that it is without sufficient information to admit or deny Plaintiff Cabrera's request. Accordingly, this Request is denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

See objections and response to Request for Admission No. 5. In addition to these objections, Reynolds objects to this Request to the extent that it seeks all documents supporting that Plaintiff Cabrera did not “work on” Reynolds' premises, which is essentially a request for all documents. Subject to and without waiving its objections, none.

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.

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was exposed to asbestos while working on a premises owned by Reynolds. Subject to and without waiving these objections, Reynolds denies Plaintiff Cabrera's allegations that (1) he was exposed to harmful levels of airborne asbestos fibers on any Reynolds' premises; (2) that such alleged exposure occurred under any circumstance which would have given rise to any legal duty on the part of Reynolds to prevent; and (3) that Reynolds breached any duty of care it owed to the Plaintiff. Investigation and discovery are ongoing, and Reynolds reserves the right to supplement its answer to this Interrogatory if and when additional information becomes available.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present. Reynolds further objects to this Request in that the phrases "worked around Defendant's employees" and "using and/or applying asbestos-containing

products” are vague and ambiguous. Subject to and without waiving its objections, Reynolds is without sufficient information to admit or deny this request and, therefore, it is denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

See Reynolds Metals Company’s Objections and response to Plaintiff’s Request for Admission No. 6. In addition to these objections, Reynolds objects to this Request to the extent that it seeks all documents supporting that Plaintiff Cabrera did not work “around Defendant’s employees who were using and/or applying asbestos-containing products,” which is essentially a request for all documents. Investigation and discovery are ongoing, and Reynolds reserves the right to supplement its response to this Request if and when responsive documents are discovered.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present. Reynolds further objects to this Request in that the phrases “worked on and/or around Defendant’s Premises” and “in areas where asbestos-

containing were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported” are vague and ambiguous. Reynolds further objects to this Interrogatory as overly broad and burdensome in that, as worded, it is not limited to the time periods relevant to Plaintiff Cabrera’s alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Plaintiff Cabrera’s discovery responses provide insufficient information upon which Reynolds could formulate a reasonable response to this Request and accordingly, Plaintiff Cabrera’s request is denied. Investigation and discovery are ongoing, and Reynolds reserves the right to supplement its response to this Request if and when additional information comes to light.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

Subject to and without waiving the foregoing General Objections, denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

See Reynolds Metals Company’s Objections and Response to Plaintiff’s Request for Admission No. 8.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof – that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present. Subject to and without waiving these objections, Reynolds admits that it generally was aware that certain products and/or materials containing asbestos were used in certain applications at the San Patricio plants. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or video graphic 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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-

58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition the foregoing General Objections, Reynolds specifically objects to this Interrogatory because it attempts to shift onto Reynolds several elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present, that Plaintiff Cabrera was exposed to any "hazard" of asbestos exposure, and that any circumstances existed that would give rise to a legal duty to give such a warning. Reynolds further objects to this Interrogatory because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Interrogatory fails to define "the hazards of asbestos" or to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant.

Subject to and without waiving these objections, upon reasonable information and belief, Plaintiff Cabrera and his employer were, at all times on any Reynolds' premises, subject to MSHA, OSHA, or other applicable government regulations, and to Reynolds' Contractor Safety Guidelines, a copy of which has been produced previously to Baron & Budd in *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District. Reynolds further refers Plaintiffs to other documents produced to Baron & Budd in *Tiner* and in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; and *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

See Reynolds Metals Company's Objections and Response to Plaintiffs' Interrogatory No. 7.

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:

In addition the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present, that Plaintiff Cabrera was exposed to any "hazard" of asbestos exposure, and that any circumstances existed that would give rise to a legal duty to distribute any literature or warnings. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request fails to define "the health hazards of asbestos" or to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Reynolds further objects to this Request to the extent that it assumes or implies either that Plaintiff Cabrera was an employee of Reynolds, which he was not, or that Reynolds owed the same legal duty to employees of independent contractors as it does to its own employees.

Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 10. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas

County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

INTERROGATORY NO. 8:

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

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

ANSWER:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory to the extent that it assumes or implies either that Plaintiff Cabrera was an employee of Reynolds, which he was not, or that Reynolds owed the same legal duty to employees of independent contractors as it does to its own employees. To the extent that this Interrogatory seeks information regarding safety policies as they pertain to Reynolds' employees, such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request fails to define "the health hazards of asbestos" or to specify a particular

alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant.

Subject to and without waiving these objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

See Reynolds Metals Company's objections and answer to Plaintiffs' Interrogatory No. 8.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request fails to define "the dangers of asbestos" or to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Reynolds further objects to this Request to the extent that it assumes or implies either that Plaintiff Cabrera was an employee of Reynolds, which he was not, or that Reynolds owed the same legal duty to employees of independent contractors as it does to its own employees. Subject to and without waiving these objections, this Request is 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.

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 27 (First Set), and, accordingly, this discovery is cumulative and harassing. See also Reynolds Metals Company's objections and answer to Plaintiffs' Interrogatory No. 7.**

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure, nor is it limited to the specific plants and areas of those plants, at or in which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Interrogatory because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Interrogatory fails to define "hazards resulting from the use of asbestos-containing products" or to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Reynolds further objects to this Interrogatory to the extent that it assumes or implies either that Plaintiff Cabrera was an employee of Reynolds, which he was not, or that Reynolds owed the same legal duty to employees of independent contractors as it does to its own employees.

Subject to and without waiving these objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds'

objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

INTERROGATORY NO. 11:

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

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

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 10 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not specifically limited to safety equipment for the protection against inhalation of airborne asbestos fibers, nor is it limited to the time periods relevant to Plaintiff Cabrera's alleged exposure to asbestos. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Interrogatory to the extent that it does not define "persons working on Defendants' premises."

Subject to and without waiving these objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-

58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request fails to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Moreover, Reynolds objects to this Request to the extent that the phrase "did not continuously provide" is vague and ambiguous. Reynolds further objects to this Request to the extent that it assumes or implies that Reynolds owed a duty to provide contract employees with equipment to protect them from potential hazards incident to

their work, which was the duty of their employers. Subject to and without waiving these objections, this Request is denied.

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.

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure, nor is it limited to the specific plants and areas of those plants at or in which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Reynolds objects to this Request to the extent that it does not define the term "workers" and, accordingly, is vague and ambiguous.

Subject to and without waiving these objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds'

objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

INTERROGATORY NO. 13:

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

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 26 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to those products to which Plaintiff Cabrera alleges exposure, nor is it limited to the specific plants and areas of those plants at or in which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 14:

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

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 17 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to the specific plants and areas of those plants at or in which Plaintiff Cabrera alleges exposure. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Interrogatory to the extent that it seeks information of public record which is equally available to Plaintiffs.

Subject to and without waiving these objections, Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies that any circumstance warranted the erection of containment barriers in the areas of the plant in which Plaintiff alleges he was present and during the times he was allegedly present in such areas. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 13. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-

03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies that any circumstance warranted engineering controls in the areas of the plant in which Plaintiff alleges he was present and during the times he was allegedly present in such areas. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 14. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies

that any circumstance warranted the use of ventilation or exhaust systems in the areas of the plant in which Plaintiff alleges he was present and during the times he was allegedly present in such areas. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 15. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 15. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period. Subject to and without waving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 16. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-

03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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 work-sites where your employees were using asbestos-containing materials, including the work-sites where Plaintiff was present.

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies that any employee of Reynolds was handling, mixing, applying, removing, cutting or scoring any asbestos-containing product in any area of the plant in which Plaintiff alleges he was present and during the times he was allegedly present in such areas. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 17. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies

that any employee of Reynolds was utilizing any asbestos-containing materials in an area of the plant in which Plaintiff alleges he was present and during the times he was allegedly present in such area. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 18. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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.

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 11 (First Set), and, accordingly, this discovery is cumulative and harassing.** In this Interrogatory is duplicative of several preceding discovery requests in this set of discovery, including Interrogatory Nos. 7 and 9, Request for Production Nos. 13 and 14 and Request for Admission Nos. 10 and 11. Reynolds incorporates by reference its answers / responses and objections to those discovery requests.

INTERROGATORY NO. 16:

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

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

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 16 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure to asbestos. Accordingly, this Interrogatory seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Interrogatory to the extent

that it does not define “workers on Defendant’s premises,” namely, that the term does not appropriately distinguish between Reynolds employees and employees of independent contractors, over whom Reynolds exercised no control.

Subject to and without waiving these objections, yes. Reynolds refers Plaintiffs to those documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera’s alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is

phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies that any circumstance warranted any warning signs in any area of the plant in which Plaintiff alleges was present and during the times he was allegedly present in such area. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 19. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request as duplicative of several preceding discovery requests, including Requests for Admission Nos. 10, 11 and 19. Reynolds further specifically objects to this Request to the extent that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure, the specific areas of those plants in which Plaintiff Cabrera worked, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request assumes or implies that any circumstance warranted any warning signs in any area of the plant in which Plaintiff was present and during the times he was present in such area. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 20. In addition to those objections, Reynolds objects to this Request as duplicative of several preceding discovery requests, including Requests for Production Nos. 12, 13, 14 and 20. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas

County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this Request is overly broad and burdensome in that it is not limited to (1) contractors and/or contractor's employees who sold, installed or removed asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request on the ground that the phrase "all documents reflecting payment" is overly broad and does not describe with reasonable particularity the documents or category of documents requested.

Subject to and without waiving its objections, Reynolds states that should Plaintiffs appropriately tailor this Request to relevant contractors, relevant time periods, relevant asbestos-

containing products, and relevant documents or types of documents requested, Reynolds will attempt to determine whether any responsive documents exist.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request because it attempts to shift onto Reynolds several elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present and that Plaintiff Cabrera was exposed to any "substantial risk of injury." Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Request fails to define the "use of asbestos-containing materials" and "substantial risk of injury," and further that it fails to specify a particular alleged risk to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an

independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 22. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 23. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 24. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 25. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request

is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 26. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 27. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 28. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 29. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 30. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an

independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 31. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 32. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 33. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 34. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 35. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an

independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admissions No. 36. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 37. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 38. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Reynolds admits that it was the owner of the San Patricio plant. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 39. Because Reynolds does not know what this Request is asking, Reynolds cannot respond.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because the phrase "retained some control" is vague and ambiguous. Reynolds further

objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds, and that Reynolds retained direction and control over Plaintiff's work. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Subject to and without waiving the foregoing objections, therefore, this Request is denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 40. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

INTERROGATORY NO. 17:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory on the grounds that, as worded, it is vague, ambiguous and does not make sense. Reynolds specifically objects to the phrase "activities which could be potentially hazardous" in that it fails to specify a particular alleged hazard to which Plaintiff Cabrera claims he was

exposed while working at a Reynolds Plant. Reynolds further objects to this Request in that it is overly broad and burdensome in that it is not limited specifically to Plaintiff Cabrera's employer, nor to the specific time periods relevant to Plaintiff Cabrera's alleged exposure to asbestos.

Reynolds further objects to this Interrogatory because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds, and that Reynolds retained direction and control over Plaintiff's work. Subject to and without waiving these objections, upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because the phrase "retained some control" is vague and ambiguous. Reynolds further objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds, and that Reynolds retained direction and control over Plaintiff's work. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Subject to and without waiving the foregoing objections, therefore, this Request is denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 41. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because the phrase "not entirely free to do the work. . .in his own way" is vague and ambiguous. Reynolds further objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds, and that Reynolds retained direction and control over Plaintiff's work. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Subject to and without waiving the foregoing objections, therefore, this Request is denied.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 42. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because the phrase "not entirely free to do the work. . .in its own way" is vague and ambiguous. Reynolds further objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds, and that Reynolds retained direction and control over Plaintiff's work. Upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Subject to and without waiving the foregoing objections, therefore, this Request is denied.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 43. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or areas of the plants at or in which Plaintiff Cabrera alleges exposure; it is not limited to the asbestos-containing products to which Plaintiff Cabrera alleges exposure; nor, is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that asbestos-containing gaskets may have been installed in certain applications at the San Patricio plant during certain periods of time.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or areas of the plants at or in which Plaintiff Cabrera alleges exposure; it is not limited to the asbestos-containing products to which Plaintiff Cabrera alleges exposure; nor, is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that asbestos-containing pipe covering may have been installed in certain applications at the San Patricio plant during certain periods of time.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or areas of the plants at or in which Plaintiff Cabrera alleges exposure; it is not limited to the asbestos-containing products to which Plaintiff Cabrera alleges exposure; nor, is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that certain "boilers" installed at the San Patricio plant may have contained asbestos during certain periods of time.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or areas of the plants at or in which Plaintiff Cabrera alleges exposure; it is not limited to the asbestos-containing products to which Plaintiff Cabrera alleges exposure; nor, is it limited by times which might be relevant to Plaintiff's claimed exposure. Reynolds further objects to this Request on the ground that "fireproofing" is vague and ambiguous. Subject to and without waiving these objections, asbestos-containing pipe covering may have been installed in certain applications at the San Patricio plant during certain periods of time.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not applicable

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Subject to and without waiving the foregoing General Objections, and upon information available to Reynolds at this time, denied.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 48. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that, as worded, it is not limited to the plant or areas of the plants at or in which Plaintiff Cabrera

alleges exposure; it is not limited to the asbestos-containing products to which Plaintiff Cabrera alleges exposure; nor, is it limited by times which might be relevant to Plaintiff's claimed exposure. Subject to and without waiving these objections, Reynolds admits that asbestos-containing pipe insulation may have been installed in certain applications at the San Patricio plants during certain periods of time.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to the Request because the phrase "such installation," makes no sense. Therefore, subject to and without waiving the foregoing objections, 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:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 50. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff's Interrogatory No. 25 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory because of the argumentative, categorical manner in which it is phrased. Reynolds objects to the lack of foundation to the extent this Interrogatory fails to define "asbestos hazards" or to specify a particular alleged hazard to which Plaintiff Cabrera claims he was exposed while working at a Reynolds Plant. Subject to and without waiving the foregoing objections, Reynolds states that it generally has learned that inhalation of certain amounts of asbestos fibers is associated with increased risk of health hazards for some people. The specifics of exactly how or when Reynolds personnel acquired such knowledge or awareness is not presently known. Such information may have come from reading government publications, or other published written materials and publications such as medical journals or industrial hygiene journals. In addition, see response to Request for Production No. 54.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request on the basis that the term "all documents" is overly broad, vague and ambiguous, and does not describe with particularity the documents or categories of documents sought. Further, this Request is not limited in time or in regard to documents relevant to Plaintiffs' claims in this cases. By way of further objection, this Request is for documents which are equally available to Plaintiffs.

Reynolds further objects to this Request to the extent it seeks documents and materials protected under the attorney-client, attorney work product and/or self-critical analysis privileges and/or protections. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action.

Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Specifically, this Request fails to define what it means by the terms and phrases "supervised" and "health and safety procedures." Reynolds further objects to this Request because as overly broad and burdensome in that it is not limited to the time periods relevant to Plaintiff Cabrera's alleged exposure. Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Subject to and without waiving the foregoing objections, and upon information and belief, Plaintiff was employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Generally, however, all contractors were responsible for ensuring their and their employees' compliance with Reynolds' Contractor Safety Guidelines and with all applicable safety laws and regulations. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it is vague and ambiguous. Specifically, this Request fails to define what it means by the terms and phrases "supervised" and "health and safety practices." Because Reynolds does not know what this Request is asking, Reynolds cannot respond. Subject to and without waiving the foregoing objections, and upon information and belief, Plaintiff was

employed by an independent contractor, and, as such, the activities of Plaintiff were under the direction and control of his employer and not Reynolds. Generally, however, all contractors were responsible for ensuring their and their employees' compliance with Reynolds' Contractor Safety Guidelines and with all applicable safety laws and regulations. Reynolds denies this Request to the extent not expressly admitted.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present, that Plaintiff Cabrera was exposed to asbestos, and that any circumstances existed that would give rise to a legal duty on the part of Reynolds to prevent such exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Subject to and without waiving these objections, 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:

In addition to the foregoing General Objections, Reynolds objects to this Request as to the extent that it imposes an obligation on Reynolds beyond the permissible scope of the Texas Rules of Civil Procedure. Reynolds further objects to this Request to the extent that it seeks documents and/or materials protected under the attorney-client privilege and/or attorney work product protection. Reynolds further objects to this Request on the grounds that Plaintiffs have not identified the legal theories and factual bases of their claims against Reynolds and, consequently, Reynolds is unable to identify all of the legal theories and factual bases of its defenses.

Subject to and without waiving its objections, See Reynolds' responses to the Rule 194 Requests for Disclosure.

INTERROGATORY NO. 19:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Interrogatory because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present, that Plaintiff Cabrera was exposed to harmful levels of airborne asbestos fibers, and that such exposure was a substantial contributing factor in causing his asbestos-related injury. Reynolds further objects to this Interrogatory because of the argumentative, categorical manner in which it is phrased. Subject to and without waiving these objections, yes. Thus far, no evidence exists to indicate that Mr. Cabrera was exposed to harmful levels of asbestos while on Reynolds' property. Reynolds

reserves the right to supplement its answer to this Interrogatory when Plaintiffs identify each and every fact which supports these elements on which they have the burden of proof.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present, that Plaintiff Cabrera was exposed to harmful levels of airborne asbestos fibers, and that such exposure was a substantial contributing factor in causing his asbestos-related injury. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Thus far, no evidence exists to indicate that Mr. Cabrera was exposed to harmful levels of asbestos while on Reynolds' property. Subject to and without waiving these objections, therefore, denied.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiff's Request for Admission No. 54. Reynolds reserves the right to supplement its response to this Request when

Plaintiffs identify each and every fact which supports the elements on which they have the burden of proof.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present; that Plaintiff Cabrera was exposed to harmful levels of airborne asbestos fibers; that any circumstances existed under which Reynolds owed a legal duty to Plaintiff Cabrera to reduce or eliminate such risk; and, that Reynolds did not exercise reasonable care to reduce or eliminate such risk. Moreover, Reynolds objects to this Request on the ground that it is overly broad, vague and ambiguous in that it is not specifically limited to the plant or plants at which Plaintiff Cabrera alleges exposure; the specific areas of those plants in which Plaintiff Cabrera worked; the specific time periods relevant to Plaintiff Cabrera's alleged exposure; and the specific asbestos-containing products to which Plaintiff Cabrera alleges exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Specifically, Reynolds objects to the lack of foundation to the extent this Request fails to specify a particular risk of asbestos-related injury to which Plaintiff Cabrera was exposed. Reynolds further objects to this Request on the ground that it calls for a legal conclusion. Subject to and without waiving these objections, 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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present; that Plaintiff Cabrera was exposed to harmful levels of airborne asbestos fibers; that any circumstances existed under which Reynolds owed a legal duty to Plaintiff Cabrera to reduce or eliminate such risk; and, that Reynolds did not exercise reasonable care to reduce or eliminate such risk. Moreover, Reynolds objects to this Request on the ground that it is overly broad, vague and ambiguous in that it is not specifically limited to the specific areas of those plants in which Plaintiff Cabrera worked; the specific time periods relevant to Plaintiff Cabrera's alleged exposure; and the specific asbestos-containing products to which Plaintiff Cabrera alleges exposure. Reynolds further objects to this Request because of the argumentative, categorical manner in which it is phrased. Specifically, Reynolds objects to the lack of foundation to the extent this Request fails to specify a particular "unreasonable risk of harm" to which Plaintiff Cabrera was exposed. Reynolds further objects to this Request on the ground that it calls for a legal conclusion. Subject to and without waiving these objections, denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 56. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present; that Plaintiff Cabrera was exposed to harmful levels of airborne asbestos fibers; that any circumstances existed under which Reynolds owed a legal duty to Plaintiff Cabrera to reduce or eliminate such risk; that Reynolds did not exercise reasonable care to reduce or eliminate such risk; and that such failure on the part of Reynolds was a substantial factor in bringing about Plaintiff's asbestos-related injury. Moreover, Reynolds objects to this Request because of the argumentative, categorical manner in which it is phrased. Specifically, Reynolds objects to the lack of foundation to the extent this Request fails to specify a particular risk of harm to which Plaintiff Cabrera was exposed. Reynolds further objects to this Request on the ground that it calls for a legal conclusion. Subject to and without waiving these objections, denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

See Reynolds Metals Company's objections and response to Plaintiffs' Request for Admission No. 57. Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present; that Reynolds' employees were working with asbestos-containing materials; and, that such work with asbestos-containing materials caused Plaintiff Cabrera to be exposed to harmful levels of airborne asbestos fibers sufficient to cause his alleged disease. Moreover, Reynolds objects to this Request because of the argumentative, categorical manner in which it is phrased. Thus far, no evidence exists to indicate that Mr. Cabrera was exposed to harmful levels of asbestos while on Reynolds' property. Subject to and without waiving its objections, Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera has an asbestos-related disease. Subject to and without waiving its objections, Reynolds intends to rely on Plaintiff's discovery answers and deposition transcripts. Investigation and discovery are ongoing, and Reynolds reserves the right to supplement its response to this Request.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds one of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera has an asbestos-related disease. Reynolds further objects to this Request to the extent that it seeks information which is more properly directed to expert witnesses in this matter. Subject to and without waiving its objections, Reynolds intends to rely on any and all medical records (including, but not limited to, x-rays, pathology materials and laboratory analyses) collected and any and all deposition transcripts. Moreover, Reynolds intends to rely on the expert reports prepared by Plaintiff's expert(s), the report generated by an independent medical exam, as well as all other credible medical forms.

Reynolds reserves the right to supplement its response to this Request as these materials are collected.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds several of the elements on which Plaintiffs have the burden of proof, including that Plaintiff Cabrera was on a premises owned by Reynolds on which asbestos-containing products were present; that Reynolds' employees were working with asbestos-containing materials; and, that such work with asbestos-containing materials caused Plaintiff Cabrera to be exposed to harmful levels of airborne asbestos fibers sufficient to cause his alleged disease. Moreover, Reynolds objects to this Request because of the argumentative, categorical manner in which it is phrased. Subject to and without waiving its objections, Reynolds does not know what documents or materials this Request is seeking and, therefore, cannot respond.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to the phrase "all documents" because it fails to identify with sufficient particularity the documents or types of documents this Request seeks. Subject to and without waiving its objections, Reynolds

does not know what documents or materials this Request is seeking and, therefore, cannot respond.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request on the ground that it is vague, overly broad and ambiguous in that it is limited neither to Reynolds' corporate-wide policies nor to policies relevant to the plant or plants at which Plaintiff Cabrera was allegedly exposed, nor is it limited to the specific time periods relevant to Plaintiff Cabrera's alleged exposure.

Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning*

*Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds specifically objects to the phrase "any and all documentation" because it fails to identify with sufficient particularity the documents or types of documents this Request seeks. Reynolds further objects to this Request on the ground that it is vague, overly broad and ambiguous in that it is limited neither to Reynolds' corporate-wide policies nor to policies relevant to the plant or plants at which Plaintiff Cabrera was allegedly exposed, nor is it limited to the specific time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks information and materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and waiving its objections, Reynolds states that should Plaintiffs appropriately tailor this Request to the "lists, inventories, indices, databases or print-outs thereof, archives,

storage inventories, logs, or other search aids” pertaining to documents which have some relevance to Plaintiffs’ claims in this case, and should Plaintiffs more fully explain what materials they are seeking, Reynolds will attempt to determine whether such documents exist.

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.

RESPONSE:

**In addition to the foregoing General objections, Reynolds objects to this interrogatory on the basis that it is duplicative of Plaintiff’s Interrogatory No. 19 (First Set), and, accordingly, this discovery is cumulative and harassing.** Moreover, Reynolds specifically objects to this Interrogatory to the extent it seeks documents and materials protected under the attorney-client, attorney work product and/or self-critical analysis privileges and/or protections. Reynolds further objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, vague and ambiguous. Subject to and without waiving these objections, Reynolds states that it does have such documents in its possession, but the specifics of exactly how or when it acquired such all “books, pamphlets, memoranda, or written materials” is not presently known. In addition, see Reynolds Metals’ Company’s answer to Interrogatory No. 18 and response to Request for Production No. 54.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request on the ground that it is duplicative of previous discovery requests, including Request for Production No. 54. Reynolds further objects to this Request on the basis that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it seeks documents and materials protected under the attorney-client, attorney work product and/or self-critical analysis privileges and/or protections. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in *Garrett* and *Tiner* does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request because it attempts to shift onto Reynolds all of the elements on which Plaintiffs have the burden of proof, including Plaintiffs' ultimate burden of proving Reynolds' liability for Plaintiff Cabrera's asbestos-related illness. Reynolds further objects to this Request in that it calls for a legal conclusion. Subject to and without waiving these objections, this Request is denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this request to the extent that it pertains to information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, Plaintiff has failed to specify the "premises" referred to. By way of further objection, this Request is overly broad in that the terms "in use" and "in place" are vague and ambiguous. Therefore, subject to and without waiving the foregoing objections, denied.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this request to the extent that it pertains to information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to the word “uses” because it is vague and ambiguous. Furthermore, Plaintiff has failed to specify the “premises” referred to. By way of further objection, this Request is overly broad in that the term “uses” is vague and ambiguous. Therefore, subject to and without waiving the foregoing objections, denied.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents,” “reflect, indicate or in any way relate,” “communications between you and any manufacturer,” “concerning or related to” and “such products” are all overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive

Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents,” “any trade association,” “contain information relating to the hazards of asbestos” and “all documents which refer to such documents” are all overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents” and “relate to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to (1) the specific plant or plants at which Plaintiff Cabrera alleges exposure to asbestos; (2) the time periods relevant to Plaintiff Cabrera’s alleged exposure; nor (3) health and safety regulations specifically pertaining to asbestos. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrase “all safety meeting minutes or other documents” is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific plant or plants at which Plaintiff Cabrera alleges exposure to asbestos during the time periods relevant to Plaintiff Cabrera’s alleged exposure. Reynolds further objects to this Request to the extent it seeks documents and materials protected under the attorney-client privilege and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to *Baron & Budd in Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all contracts, or other documents” and “relate to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the time periods relevant to Plaintiff Cabrera’s alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all contracts, or other documents” and “relate to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the time periods relevant to Plaintiff Cabrera’s alleged exposure to asbestos, nor is it limited to the specific asbestos-containing products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents” and “that in any way reflect” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the time periods relevant to Plaintiff Cabrera’s alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Ricardo G. Cabrera 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:

Subject to and without waiving the foregoing General Objections, Reynolds states that it has no such records at this time. Reynolds reserves the right to supplement its response to this Request if and when such records become available.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

Subject to and without waiving the foregoing General Objections, Reynolds states that it has no such records.

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:

Subject to and without waiving the foregoing General Objections, Reynolds states that it is aware of no such documents at this time.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents” and “that reflect” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific areas of “Defendant’s Premises” that contained asbestos-containing products as they existed during the time periods when Mr. Cabrera allegedly was exposed to asbestos in such areas. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific areas of “Defendant’s Premises” that contained asbestos-containing products as they existed during the time periods relevant to Plaintiff Cabrera’s alleged exposure to such products. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191<sup>st</sup> Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117<sup>th</sup> Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific areas of “Defendant’s Premises” that contained asbestos-containing products as they existed during the time periods relevant to Plaintiff Cabrera’s alleged exposure to such products. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that the phrases “all documents” and “relating to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific time periods relevant to Plaintiff Cabrera’s alleged exposure to asbestos on Reynolds’ premises and, accordingly, seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, attorney work product protection, and/or physician-patient privilege. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that the phrases “all documents” and “which mention” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to Reynolds’ corporate-wide policies or to the plants at which Plaintiff Cabrera alleges exposure to asbestos, nor is it limited to the time periods relevant to Plaintiff Cabrera’s alleged exposure to asbestos on Reynolds premises. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that the phrases “all documents” and “related to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the purchase of the specific asbestos-containing products to which Plaintiff Cabrera alleges exposure, nor is it limited to the time periods the time periods relevant to Plaintiff Cabrera’s alleged exposure to asbestos on Reynolds premises. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “all documents” and “relating to” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to (1) the specific plant or plants at which Plaintiff Cabrera alleges exposure to asbestos; (2) the time periods relevant to Plaintiff Cabrera’s alleged exposure; nor (3) inspections specifically pertaining to asbestos. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request because the phrases “any dust level counts or measurements,” “any documents memoranda or other writings” and “in any way reflect” are overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to (1) the specific plant or plants at which Plaintiff Cabrera alleges exposure to asbestos; (2) the time periods relevant to Plaintiff Cabrera’s alleged exposure; nor (3) inspections specifically pertaining to asbestos. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to the extent this Request seeks information and/or materials protected under the attorney-client privilege and/or attorney work product protections. Reynolds further objects to this Request to the extent that it seeks reports or other writings that are not relevant to the Plaintiffs' claims or to Reynolds' defenses in this case. Subject to and without waiving its objections, Reynolds will serve its expert witness designation and produce the materials required under the Texas Rules of Civil Procedure and in accordance with the court scheduling order.

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:

In addition to the foregoing General Objections, Reynolds objects to the extent this Request seeks information and/or materials protected under the attorney-client privilege and/or attorney work product protections. Subject to and without waiving its objections, Reynolds will identify and produce those documents it intends to use as exhibits in accordance with the any scheduling order.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to the specific the time periods relevant to Plaintiff Cabrera's alleged exposure to asbestos on Reynolds' premises and, accordingly, seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, attorney work product protection and/or physician-patient privilege. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that the phrases “all regulations, orders, rules, and/or policies” “which have been used,” “relating to” and “safety” are all overly broad, unduly burdensome, vague, ambiguous, and do not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited to safety policies relevant to asbestos and relevant to independent contractors working on Reynolds’ Premises, nor is it limited to the specific the time periods relevant to Plaintiff Cabrera’s alleged exposure to asbestos on Reynolds’ premises. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Reynolds further objects to the extent that certain “regulations” and “policies” are equally available to Plaintiffs. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds’ objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited specifically to complaints relevant to exposure to harmful levels of airborne asbestos fibers, nor is it limited to the time periods during which Plaintiff Cabrera alleges exposure to asbestos on Reynolds' premises. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this Request to the extent it is not limited specifically to complaints regarding safety conditions or work place conditions specifically as they relate to exposure to harmful levels of airborne asbestos fibers, nor is it limited to the time periods during which Plaintiff Cabrera alleges exposure to asbestos on Reynolds' premises. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive

Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that the phrase "all documents, organizational charts or rosters" it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Reynolds will make available for inspection and copying upon written request its 10-K forms filed for the last five years.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

Not applicable.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds does not know what this Request is asking and, therefore, cannot respond.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds specifically objects to this Request in that it seeks documents which are irrelevant in their entirety. Furthermore, this Request is overly broad and burdensome in that it is not limited to (1) contract documents related to the sale, installation or removal of asbestos-containing products and materials and, specifically, those to which Plaintiff Cabrera alleges exposure; nor, (2) the time periods relevant to Plaintiff Cabrera's alleged exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and, furthermore, is overly broad and unduly burdensome. Reynolds further objects to this Request on the ground that the phrase "all contract documents" is overly broad and does not describe with reasonable particularity the documents or category of documents requested. Reynolds further objects to this Request in that it seeks confidential and proprietary documentation. Furthermore, Reynolds objects to this Request as duplicative of previous discovery requests, including Request for Production No. 8. Subject to and without waiving its objections, Reynolds refers plaintiff to its response to Request for Production No. 8.

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:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is duplicative of numerous prior discovery requests. Reynolds objects to this Request on the ground that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with particularity the documents or categories of documents sought. Reynolds further objects to this

Request to the extent it is not limited to the specific Reynolds plant or plants at which Plaintiff Cabrera alleges asbestos exposure during the time periods relevant to Plaintiff Cabrera's alleged exposure, nor is it limited to warnings concerning the specific asbestos-containing products to which Plaintiff Cabrera alleges exposure. Accordingly, this Request seeks materials which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Reynolds further objects to this Request to the extent that it potentially seeks documents and materials protected under the attorney-client privilege, self-critical analysis privilege, and/or attorney work product protection.

Subject to and without waiving those objections, Reynolds refers Plaintiffs to documents produced to Baron & Budd in *Pollock v. Reynolds Metals Company*, Cause No. 97-58382, in the District Court of Harris County, Texas, 127<sup>th</sup> Judicial District; *Garrett, et al v. Owens-Corning Fiberglas Corp. et al*, Cause No. 95-01915-J, in the District Court of Dallas County, Texas, 191st Judicial District; and *Tiner v. Reynolds Metals Company*, Cause No. 94-03884-B, in the District Court of Nueces County, Texas, 117th Judicial District to the extent that they may pertain to the relevant plant and to the time period involved in this action. Incorporation by reference to the documents produced in these cases does not waive Reynolds' objection to the relevancy or admissibility of any such document that does not relate to the relevant plant and to the relevant time period.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

In addition to the foregoing General Objections, Reynolds objects to this Request in that it is overly broad, unduly burdensome, vague, ambiguous, and does not describe with

particularity the documents or categories of documents sought. Subject to and without waiving its objections, Reynolds reserves the right to supplement its response to this Request.

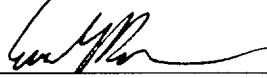
REQUEST FOR PRODUCTION NO. 98:

If you content that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked ) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that 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 of affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE:

Not applicable.

**REYNOLDS METALS COMPANY,  
By Counsel (as to *Objections and Responses to  
Requests for Admission and for Production*):**



---

David Craig Landin (Texas Bar No. 11863720)

John D. Epps (Texas Bar. No. 00796079)

Eric G. Reeves (Texas Bar No. 24026170)

**HUNTON & WILLIAMS**

951 East Byrd Street

Riverfront Plaza, East Tower

Richmond, Virginia 23219

(804) 788-8200

(804) 788-8218 (facsimile)

R. Clay Hoblit (Texas Bar No. 09743100)

**CHAVES, GONZALES & HOBLIT, L.L.P.**

2000 Frost Bank Plaza

202 North Carancahua

Corpus Christi, Texas 78470

(512) 888-9392

(512) 888-9187 (facsimile)

**Attorneys for Reynolds Metals Company**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25<sup>th</sup>, 2000, a true and correct copy of the above and foregoing instrument is being served by certified mail, return receipt requested, on the following Plaintiffs' counsel:

Stephanie Finch, Esq.  
Baron & Budd, P.C.  
The Centrum, Suite 1100  
3102 Oak Lawn Avenue  
Dallas, Texas 75219

All other known counsel of record are given notice of this pleading by regular United States mail only.



---