

NO. 90G2055

WELDON R. MOAKE, and JANICE I. MOAKE;	§	IN THE DISTRICT COURT
KEVIN R. MOAKE; DANA R. ASHLEY; and	§	
MACK K. MOAKE;	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS	§	
CORPORATION (a/k/a OWENS CORNING	§	
CORPORATION), et al.,	§	
	§	
Defendants.	§	239TH JUDICIAL DISTRICT

**REYNOLDS METALS COMPANY'S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFF WELDON RUSSELL
MOAKE'S FIRST SET OF INTERROGATORIES, FIRST REQUEST
FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

Defendant Reynolds Metals Company ("Reynolds"), by counsel, files the following First Supplemental Objections and Responses to Plaintiff Weldon Russell Moake's First Set of Interrogatories, First Requests for Production, and First Request for Admissions. Reynolds incorporates by reference it's previous objections and responses and, based on further investigation, provides the following additional information:

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Reynolds incorporates its previous objections and responses to this Request. Subject to and without waiving its objections, no such documents for 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, between the years 1952 and 1989, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

Reynolds incorporates its previous objections and responses to this Request. Subject to and without waiving its objections, no such documents for the relevant time period exist.

INTERROGATORY NO. 4:

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

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

ANSWER:

Reynolds incorporates its previous answers and objections to this Interrogatory. Subject to and without waiving its objections, Reynolds states that, during the relevant time period, Thorpe Insulation Company and/or Thorpe Products Company was the insulation subcontractor on work performed by three separate contractors, Lummus, Bechtel and Stearns & Rogers.

Thorpe Insulation Company also was hired on occasion directly by Reynolds to perform insulation repairs and asbestos abatement.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Reynolds Incorporates its previous objections and response to this Request. Subject to and without waiving its objections, relevant documents responsive to this request will be made available for Plaintiff's inspection and copying at a mutually convenient time and place.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

Reynolds incorporates its previous objections and response to this Request. Subject to and without waiving its objections, to the extent that any relevant documents responsive to this request exist, see response to Request for Production No. 8.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Reynolds incorporates its previous objections and response to this Request. Subject to and without waiving its objections, to the extent that any relevant documents responsive to this request exist, see response to Request for Production No. 8.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Reynolds incorporates its previous objections and response to this Request. Subject to and without waiving its objections, to the extent that any relevant documents responsive to this request exist, see response to Request for Production No. 8.

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:

Reynolds incorporates its previous objections and response to this Request. Subject to and without waiving its objections, to the extent that any relevant documents responsive to this request exist, see response to Request for Production No. 8.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Weldon Russell Moake at anytime 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 Plaintiffs' agreement to pay a proportionate share of Reynolds' cost in retrieving the medical records and copying costs at \$.30 per page, Reynolds will produce these documents.

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



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CERTIFICATE OF SERVICE

I hereby certify that on September 22 , 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:

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

