

DISTRICT COURT, COUNTY OF BOULDER COLORADO		▲ COURT USE ONLY ▲
Court address:	1776 6th St. P.O. Box 4249 Boulder, CO 80306-4249	
IN RE: ASBESTOS CASES		Case No. 1989CV2000
Attorneys for Defendant: Name(s): Mary Price Birk #10415 Ronald L. Hellbusch, #26094 Address: Baker & Hostetler LLP 303 E. 17 th Ave., #1100 Denver, Colorado 80203 Phone Number: 303-861-0600 Fax Number: 303-861-7805		Division: A2
DEFENDANT UNION CARBIDE'S RESPONSE TO PLAINTIFFS' DISCOVERY TO UNION CARBIDE (040316)		

GENERAL OBJECTIONS

Union Carbide Corporation ("Union Carbide") objects to Plaintiffs' Request for Production on the following grounds, which are hereby incorporated by reference in Union Carbide's responses to the individual Request for Production below:

GENERAL OBJECTION NO. 1

Union Carbide states that trial preparation and factual investigation are ongoing. Union Carbide's response to this Request for Production is based on information known to Union Carbide at this time. Union Carbide reserves the right, however to make reference at the trial or at any hearing in this action to facts and documents not identified in this response, the existence

or relevance of which is later discovered by it or its counsel. By this reservation, Union Carbide does not in any way assume a continuing responsibility to update its response to this Request for Production, and specifically objects to the Request for Production to the extent that it seeks to impose any such continuing obligation upon Union Carbide to the extent not required by Colorado law. To the extent the information contained herein differs in any respect from any prior responses to discovery, these responses shall be deemed to update and supersede such prior responses.

GENERAL OBJECTION NO. 2:

Union Carbide objects to Plaintiffs' Request for Production in its entirety on the grounds that it is not reasonably framed in terms of the facts and subject matter of the present action, with the result that Union Carbide is called upon to speculate as to what information relevant to the present case, if any, may be deemed to fall within the scope of this Request for Production as phrased. In addition, Union Carbide objects to this Request for Production to the extent that it seeks the production of information not relevant to any matter at issue in this litigation.

GENERAL OBJECTION NO. 3:

Union Carbide objects to this Request for Production insofar as it would require the disclosure of information protected by the attorney-client privilege or work product doctrine.

GENERAL OBJECTION NO. 4:

Union Carbide acquired mineral rights to its Coalinga mine in 1958. From 1958 until late 1963, Union Carbide developed its mining and milling processes. From late 1963 until June 30, 1985, Union Carbide mined and sold a unique tremolite-free short fiber chrysotile asbestos initially known as "Union Carbide Asbestos" and then under the trade name "Calidria" (some distributors marketed Calidria under other trade names). Throughout the time that Union

Carbide was in the asbestos business, and particularly from 1963 to 1965, sales were relatively small. Even as Union Carbide attempted to develop business, Union Carbide remained a relatively small participant with its focus, due to the unique nature of Calidria, on developing applications suitable for the unique fiber. All responses to this Request for Production refer to Calidria asbestos only, unless otherwise stated. Union Carbide objects to this Request for Production to the extent that it refers to any product other than Calidria asbestos.

GENERAL OBJECTION NO. 5:

Union Carbide objects to this Request for Production to the extent that it calls for information about Union Carbide employees or premises, or policies pertaining to Union Carbide employees or premises that are unrelated to the claims in this litigation on the grounds that such requests are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION NO. 6:

Union Carbide objects to this Request for Production to the extent that it seeks information contained in documents that are available to Plaintiffs' counsel in the repository of Calidria-related documents (the "repository") maintained by Union Carbide's counsel. This repository is supplemented as additional documents are identified and has been supplemented in the past year. Upon request, a visit to the repository by Plaintiffs' counsel can be arranged at a mutually convenient time. The burden of determining the responses to these Request for Production is equally as demanding on Plaintiffs' counsel as it is on Union Carbide. The burden on Union Carbide is enhanced because many of the events and circumstances that appear to be at issue took place approximately 40 years ago. With the passage of time, complete records may no

longer exist, relevant witnesses with firsthand knowledge are now deceased, memories have faded, and any attempt to recreate history often presents an insurmountable challenge and an undue burden.

DISCOVERY REQUEST

1. Please provide the entirety of the document that meets the following description:

TITLE: MINERALOGY AND PETROLOGY OF THE NEW IDRIA DISTRICT,
CALIFORNIA;

AUTHOR: Robert Griffin Coleman, Ph.D., 1957 Stanford University;

FURTHER DESCRIPTION: Doctoral Dissertation Series, Publication No.: 21, 566.

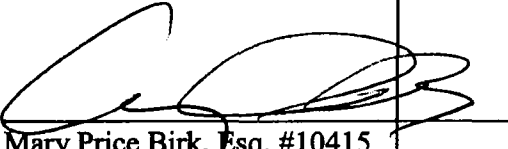
RESPONSE TO DISCOVERY REQUEST

See General Objections Nos. 1-7. Subject to its objections, Union Carbide responds as follows:

To the extent that the document responsive to this Request is in the possession of Union Carbide, it is located in the repository maintained by Union Carbide's counsel. Upon request, a visit to the repository by Plaintiffs' counsel can be arranged at a mutually convenient time.

AS TO OBJECTIONS AND DEFENSES:

Duly executed signature on file at the
office of Baker & Hostetler LLP

By: 

Mary Price Birk, Esq. #10415
Ronald L. Hellbusch, Esq. #26094
BAKER & HOSTETLER, LLP

Attorneys for Defendant Union Carbide
Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13 day of April, 2004, a true and correct copy of the above and foregoing **DEFENDANT UNION CARBIDE'S RESPONSE TO PLAINTIFFS' DISCOVERY TO UNION CARBIDE (040316)** was served via JusticeLink or by U.S. mail, postage prepaid, as indicated to:

J. Conard Metcalf, Esq. Trine & Metcalf, P.C. 1435 Arapahoe Ave. Boulder, CO 80302-6390 <i>Attorneys for Plaintiffs</i> VIA JUSTICELINK		
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Duly executed signature on file at the
office of Baker & Hostetler LLP

