

23RD JUDICIAL DISTRICT COURT FOR THE PARISH OF ASCENSION

STATE OF LOUISIANA

NO. 53,846
NO.

DIVISION " "

DOCKET

EDWARD "NED" BENTON

VERSUS

OWENS-CORNING FIBERGLASS CORPORATON, ET AL

FILED: _____

ANSWER OF DEFENDANT EXXON CORPORATION DEFENDANT W. R. GRACE & CO. - CONN.'S REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: W. R. GRACE & CO. - CONN.
Through its counsel of record
MICHAEL R. SISTRUNK, T. A. (12111)
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ATTORNEY FOR DEFENDANTS

NOW INTO COURT, through undersigned counsel, comes defendant, Exxon Corporation who responds to the following requests for admissions and request for production of documents pursuant to La.C.C.P. as follows:

Response For Admission No. 1.:

Admit that the documents in your possession, including sales invoices, evidence no asbestos containing products manufactured, sold or distributed by W. R. Grace & Co. - Conn., to Exxon in Baton Rouge, Louisiana.

ResponseTo Request For Admission No. 1.:

Exxon objects that the Request as worded is nonsensical, and incapable of reasonable admission or denial, in that it asks Exxon to admit that certain documents in its possession which may be interpreted to affirmatively prove certain matters may also be interpreted to prove a negative; specifically, Exxon's sales invoices for other manufacturer's products are not, nor can they be, evidence that "no asbestos containing products manufactured, sold or distributed by W. R. Grace & Co. - Conn., to Exxon in Baton Rouge, Louisiana" ever took place, moreover, construing this Request in its most reasonable light, and assuming the thrust of the Request is to ascertain whether Exxon possesses documents evidencing any W.R.Grace products as to Exxon's Baton Rouge facilities, Exxon is not in a position to know or reasonably determine by investigation what asbestos-containing products, if any, may have been



sold or distributed to it by W.R.Grace, since Exxon cannot presume to know all W.R.Grace's products and distributors. Without waiving and subject to the above objections, Exxon, through an abundance of caution, denies the Request for Admission.

Response For Production No. 1:

Please produce any and all documents, including invoices of sales in your possession, which substantiate the sale of W. R. Grace & Co. - Conn. asbestos containing products to the Exxon facility in Baton Rouge, Louisiana.

Response To Request For Production No. 1:

Responsive documents, if any, are available for inspection and copying at a mutually agreed upon time and place and upon reasonable notice.

Response For Production No. 2.

Please produce any and all documents to substantiate that plaintiff was employed at the Exxon facility in Baton Rouge, Louisiana.

Response To Request For Production No. 2.

Responsive documents are available for inspection and copying at a mutually agreed upon time and place and upon reasonable notice.

Respectfully submitted,



J. Michael Nussbaum
Exxon Corporation
800 Bell - Rm: 3975
Houston, Texas 77002
(713) 656-5433
Texas Bar No. 15143520
ATTORNEY FOR DEFENDANT EXXON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all counsel of record via United States Mail, postage prepaid and properly addressed, this 22nd day of November, 1994.



J. Michael Nussbaum