

NO. 96-333

IRMA BUSTAMANTE, INDIVIDUALLY §
 AND AS PERSONAL REPRESENTATIVE §
 OF THE HEIRS AND ESTATE OF JOSE §
 PERALTA, DECEASED §
 VS. §
 OWENS CORNING (A/K/A OWENS §
 CORNING CORPORATION), ET AL §

IN THE COUNTY COURT
 AT LAW NO. THREE
 EL PASO COUNTY, TEXAS

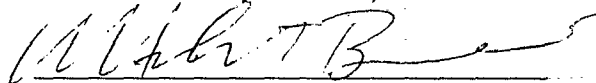
CHEVRON U.S.A. INC.'S FIRST AMENDED RESPONSES
TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, REQUESTS FOR ADMISSION
AND REQUEST FOR PRODUCTION

TO: Plaintiff by and through their attorney of record, Holly Huart, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

NOW COMES CHEVRON U.S.A., INC., Defendant herein, and makes and files this its Supplemental Responses to Plaintiffs' First Set of Interrogatories, Request for Admission and Request for Production propounded to Defendants.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
 BISSELL & LEDYARD, L.L.P.



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ATTORNEYS FOR DEFENDANT,
 CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, ~~and to all other counsel of record by regular mail~~, on this the 20 day of April, 2001.


Michael T. Bridwell

A. OBJECTIONS TO DISCOVERY

1. Defendant objects to the whole of Plaintiffs' discovery requests as so overly broad and unduly burdensome that Plaintiffs' discovery constitutes harassment. This suit involves a person employed by a finite number of employers at a finite number of locations during specific years. Plaintiffs' claim is that the injured party was exposed to asbestos containing products on Defendant's premises during the course and scope of his employment with known employers. Plaintiffs should be seeking production of records and information relevant to issues raised by that particular fact situation. Plaintiffs' attempts to expand discovery to include information regarding irrelevant time periods and irrelevant materials produced at irrelevant locations by irrelevant persons or entities constitutes an impermissible abuse of the discovery rules and general misuse of the laws of the State of Texas.

B. OBJECTIONS TO PLAINTIFFS' DEFINITIONS

1. Defendant objects to Plaintiffs' definitions of the terms "Defendant", "you", and "yours", and "your company". To the extent the terms could be read to refer to Defendant's attorneys, any interrogatory or requests for production utilizing any of these terms necessarily invades the work product and/or attorney-client privileges embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are intended to include predecessors, divisions, subsidiaries, forms of subsidiaries, forms of subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate Defendant, any interrogatory or requests for production utilizing these terms is so overly broad and over burdensome as to make any requests utilizing the term virtually impossible to answer. Further, to the extent the definition is intended to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, forms of subsidiaries, forms of subsidiaries of predecessors, and/or affiliates, any interrogatory or requests for production utilizing any of these terms is necessarily overly broad, unduly burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiffs' apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control. Any interrogatory or requests utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.
2. Defendant objects to Plaintiffs' definition of the terms "document", "documents", "written materials", or "printed materials" as the definition of those terms renders any requests utilizing any of these terms overly broad, unduly burdensome, harassing, and reduces any such discovery requests to a "fishing expedition" in discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.

3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.
4. Defendant objects to Plaintiff's definition of the terms "describe" or "description" as it is vague, ambiguous and requires Defendant to speculate on what identification rises to the level of sufficient particularity so as to enable one to "fully comprehend" or understand the place, thing or occurrence described.
5. Defendant objects to Plaintiff's definition of the term "medical advisory capacity" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
6. Defendant objects to Plaintiff's definition of the terms "medical department" and "safety department" in that the definition renders any interrogatory or request for production utilizing the term overly broad, over burdensome, harassing and calling for information or material which is neither relevant or reasonably calculated to lead to the discovery of admissible evidence. The definition of the term utilizes the term "Defendant" which is, itself, defined in Plaintiff's definition No. 1. Please refer to Defendant's objection to Plaintiff's definition of the term "Defendant" which is incorporated herein the same as if fully set forth at length.
7. Defendant objects to Plaintiff's definition of the terms "potential health hazards" or "health hazards" in that any interrogatory or request for production utilizing these terms is vague and ambiguous in that issues exists and minds differ with respect to impairments or disabilities and their associations with exposures to asbestos dust and fibers, if any.
8. Defendant objects to Plaintiffs' definition of the term "years at issue" as the definition assumes that Plaintiff worked on the premises of Defendant for the entire period reflected in the definition, which is denied. Any interrogatory, request for admission or production utilizing this term is necessarily overly broad, over burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

C.

1. Many of Plaintiff's requests call for documents that "relate to", "refer to" or the like regarding various topics which necessarily call for documentation which is comprised of attorney work product and is exempted from discovery. Defendant objects to producing any such material and specifically reserves the right not to do so.

INTERROGATORY NO. 1:

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

ANSWER: Defendant objects to this interrogatory as it invades the work product privilege embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, the interrogatories to which this question applies are, for the most part, interrogatories to which no one person has a precise answer. Interrogatories inquiring about expert witnesses, settlement agreements, persons with knowledge of relevant fact, trial witnesses and legal contentions are answered by counsel. Texas Rules of Civil Procedure 197.2(d). The remaining questions require that a conclusion be reached from looking at documents or talking to various people, both within this Defendant's organization and without, and therefore, the answers are based on information obtained from other persons. Answers given to these interrogatories are based on the best information which is available to counsel upon reasonable inquiry, at the time the answers are given. Defendant's answers are accordingly based upon the best information which is available to Defendant and Defendant's counsel upon reasonably inquiry.

The interrogatories are being executed by an authorized representative of Defendant.

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: Defendant objects to this request as vague, ambiguous, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is overly broad, unduly burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises

where Plaintiff allegedly worked.

Without waving the foregoing, Defendant admits that it ordered, purchased or otherwise acquired asbestos containing products for certain locations at certain times. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were ordered, purchased or otherwise acquired for use at the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

Without waiving the foregoing not applicable.

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: Defendant objects to this request as vague, ambiguous, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is overly broad, unduly burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

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:

1. What these products were used for
2. From whom these products were purchased
3. Where these products were installed
4. Specific persons or contractors who install these products
5. The first year each product was no longer purchased and installed on Defendant's Premises

ANSWER: Defendant objects to this Interrogatory as it is overly broad and unduly burdensome and it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this Interrogatory as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant objects to this Interrogatory as it is overly broad in that it is not limited in scope to the time periods during which Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked.

Without waiving any of the foregoing, we have located a number of purchase orders, invoices specifications and work orders from the El Paso facility which contain information regarding the use or purchase of such products. (Some of the documents produced may not reflect actual use of such products because we may have located and produced information received from manufacturers and suppliers from whom we purchased no products.) Please refer to our response to Plaintiffs' Request for Production No. 19 provided in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. Please refer also to documents produced herein, for example bates numbers CHEV BB 010391, 010483, 010820, 011018, 011097, 011195-011211, 011224-011228, 011338-011382, 011404-011423, 011480-011518, 011589-011641, 011726, 011728-011733, 011742-011761, 011892-011902, 012025, 012026, 012031, 012087-012097.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE: Defendant objects to this request as it is overly broad and unduly burdensome and it calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects to this request as it is further overly broad in that it is not limited in scope to the time periods during which Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing, please see the documents provided Plaintiff's counsel in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2, and see response to Request for Production No. 19 of those documents. (Some of the documents produced may not reflect actual use of such products because we may have located and produced information received from manufacturers and suppliers from whom we purchased no products. See also Bates numbers CHEV BB 010213-010229, 010161-010162, 010171-010176, 010231, 010391, 010483, 010820, 011018, 011097, 011195-011211, 011224-011228, 011338-011382, 011387, 011404-011423, 011480-011518, 011589-011641, 011726, 011728-011733, 011742-011761, 011892-011902, 012025, 012026, 012031, 012087-012097. Please note that some of the records produced may reflect use of products which do not contain asbestos. Furthermore, Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR ADMISSION NO. 3

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

RESPONSE: Defendant further objects to this request as overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and the request thereby additionally calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant is unable to admit or deny whether such was foreseeable in the particular area on the Houdry Unit in which Plaintiff may have been working from 1953-1957. If further answer is required, same 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: Defendant objects to this Interrogatory as vague, ambiguous, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this Interrogatory as it is overly broad, unduly burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further, Defendant objects to this Interrogatory as the term "in use" is vague, ambiguous and subject to the multiple interpretations in the context of this suit.

Defendant further objects to this interrogatory as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving any of the foregoing, we are not presently aware of any asbestos abatement which took place at the El Paso Refinery at any time during 1953-1957 other than such times, if any, when insulation was replaced with non-asbestos insulation incident to some other work or repair. Please refer to our response in to Request No. 8 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. and the documents produced in response to Plaintiffs' Request for Production Request No. 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 7335 -7359. See also documents produced

in this case, for example Bates numbers CHEV BB 7335 -7359 See also Bates numbers CHEV BB 010128-010141, 010196-010199,010390, 010392-010395, 010396-010470, 010484-490, 010501-010550, 010553-010554, 010588-010592, 010605-010732, 010741-010819, 010821-010827, 010831-010989, 010992-011097, 011425, 011477, 011480, 011519-011673, 011684-011685, 011713-011714, 011734, 011763, 011903-011970, 011982-011994, 011995-011996, 012081-012086, 012098-012127, 012217-012257.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE: Defendant objects to this request as it is vague, ambiguous, overly broad, unduly burdensome, and it calls for information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as overly broad in that it is not limited in scope to the time period when Plaintiff allegedly worked on Defendant's premises, nor to the areas within Defendant's premises where Plaintiff allegedly worked.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957, but for material concerning other years, see the documents referred to in response to Request No. 8 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. and the documents produced in response to Plaintiffs' Request for Production Request No. 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 7335-7359. Specifically Bates numbers CHEV BB 7335 -7359. See also Bates numbers CHEV BB 010390, 010392-010395, 010396-010470, 010484-490, 010501-010550, 010553-010554, 010588-010592, 010605-010731, 010741-010819, 010821-010827, 010831-010989, 010992-011017, 011019-011097, 012000. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR ADMISSION NO. 4:

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

of Defendant.

RESPONSE: Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that it has no current basis to deny. If further answer is required, same 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: Defendant objects to this request as it is overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as it constitutes a non-specific "fishing expedition." Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

Furthermore, without waving said objections none have been found at this time but Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as it constitutes a non-specific "fishing expedition." Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

Furthermore, without waving said objections none have been found at this time but Defendant's investigation is continuing and Defendant reserves the right to

supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or 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: Defendant objects to this request as it is overly broad, unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Defendant has been unable to locate any documents responsive to this request for the years 1953-1957. However, see Bates numbers CHEV BB 010001-010018, 010142-010160 for documents which reflect the procedures used to identify contractors and/or employees in later years. Defendant reserves the right to supplement this response as additional information is located.

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: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

Defendant has been unable to locate any documents responsive to this request for the years 1953-1957. However, see Bates numbers CHEV BB 0010457-0010458 for documents which reflect the procedures used to identify identification of individuals entering and/or leaving your facilities in later years. Defendant reserves the right to supplement this response as additional information is located.

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: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this request as it is not limited in scope to any particular alleged employer of Plaintiff, nor to any area where Plaintiff is alleged to have worked on Defendant's premises.

We have not thus far been able to locate any such lists for the years 1953-1957. Defendant did not maintain copies of the contracts so the type of work performed by the Contractors specifically is unknown as would be the specific employee designated at the contract liaison person. Contractors reflected in this response, if any, and on the list attached to Mr. Gamble's deposition are independent contractors, and therefore, there would be no employee of Defendant responsible for instructing the contractor regarding the details of the contractor's work. This response does not apply to labor suppliers such as Vowell Construction, whom Mr. Peralta was employed by in 1953-1957. The employee responsible for supervision and instruction for Vowell Employees from 1953-1957 was Enrique Wainright.

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: Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as overly broad in that it is not limited in scope to the area(s) within any of Defendant's premises where Plaintiff allegedly was present.

Defendant has been unable to locate any documents responsive to this request for the years 1953-1957. However, see Bates numbers CHEV BB 010001-010018, 010142-010160, 012273-012338 for documents regarding contractors that performed work in later years. Defendant reserves the right to supplement this response as additional information is located.

INTERROGATORY NO. 5:

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

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, vague, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we do not presently know who restricted access to the facility to authorized persons from 1953-1957.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the

discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that somewhere on the approximately 420 Acres which comprised the El Paso Refinery in 1953-1957, there would have been some asbestos containing products in place but based on reasonable inquiry, whether such products were used, applied or removed in the vicinity of where Plaintiff worked from 1953-1957 is unknown. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: Defendant objects to this request as it is vague and ambiguous. To the extent the request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, the request is overly broad and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

INTERROGATORY NO. 6:

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

ANSWER: Defendant objects to this request as vague and ambiguous in that the terms "around" and "using" are not defined and are subject to multiple interpretations in the context of this suit. Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant." Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, discovery conducted to date appears to indicate that Mr. Peralta was working as a custodian or janitor in the Houdry Unit. Mr. Peralta did not apply or remove insulation or other materials whether or not such materials contained asbestos.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE: Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant denies that Mr. Peralta was an employee of an independent contractor, therefore denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

Without waiving the foregoing please see deposition of Plaintiff Jose Peralta, deposition Jorge Cervantes, deposition of Roberto Torres, and the Affidavit of George Brown, attached as Exhibit 7 to the Motion for Summary Judgment filed by Defendant, Chevron U.S.A. Inc., formerly known as Standard Oil Company of Texas.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE: Defendant objects to this request as over burdensome, multifarious, vague, ambiguous and harassing. The terms "on or around" and "areas" are not defined and are subject to multiple interpretations in the context of this suit, as is the term "used". It is virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.

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: Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant denies any knowledge of potential mesothelioma from airborne asbestos dust in its refinery during the period in question. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome, irrelevant, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as it purports to place the burden on Defendant to prove a negative, which is impossible.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff was exposed to asbestos while working on Defendant's premises, which is denied. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits awareness of the presence of and/or use of asbestos containing products at certain locations in the 420 acre El Paso refinery from 1953-1957. Based on reasonable inquiry, whether such products were used, applied or removed in the vicinity of where Plaintiff worked from 1953-1957 is unknown. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE: Defendant objects to this request as overly broad, unduly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited to time nor scope to the time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the terms "you" and "your," and as such the burden of discovery outweighs its benefits. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing objections, Defendant has not yet located any relevant documents responsive to this request at the El Paso Refinery.

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 to the inhalation of asbestos fibers.

ANSWER: Defendant objects to this interrogatory as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this interrogatory as it assumes that a known hazard and danger from asbestos exposure existed at the Houdry Unity from 1953-1957, which is denied.

Without waiving the foregoing, we have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1953 and 1957.

Whether Plaintiff ever saw or heard any warning on Defendant's premises is unknown.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects the Plaintiff has not sufficiently identified the periods of time or locations in question. Defendant objects that the request is not limited to the premises where Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, Defendant is unable to identify any such specific warnings at this time.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, following reasonable inquiry, Defendant is unable to admit or deny this request. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1953 and 1957.

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: Defendant objects that the request is not limited to the premises where Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked or to the time periods when Plaintiff allegedly worked there.. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this interrogatory as it assumes the existence of known hazards from asbestos at the Houdry Unit from 1953-1957, which is denied.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered because Defendant is a corporation comprised of many individuals, many of whom are now retired or deceased and all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first appreciated any potential health hazard of asbestos and provided any warning to another employee. We have not yet been able to determine what specific information, if any, was posted or disseminated at the El Paso Refinery from 1953-1957.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects the Plaintiff has not sufficiently identified the periods of time or locations in question. Defendant objects that the request is not limited to the premises where Plaintiff allegedly worked nor to the specific areas on any particular premises where Plaintiff is alleged to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

See Bates numbers CHEV BB 010436-010453, 010551, 010604-010709, 010831-010848, 010858-010989, 011442-011477, 011764-011783, 012002-012021, 012032-

012086. (Please note some of the documents produced include Defendants' contractors safety policies.)

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Defendant objects to this request as it is argumentative as well as overly broad in that it is not limited to any applicable time period or location. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.

INTERROGATORY NO. 9.

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

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, vague, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this interrogatory as it assumes the existence of known hazards from asbestos at the Houdry Unit from 1953-1957, which is denied.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered because Defendant is a corporation comprised of any individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number

of decades over which it has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first appreciated any potential health hazard of asbestos and provided any warning to another employee. We have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1953 to 1957.

Whether Plaintiff ever saw or heard any warning on Defendant's premises is unknown. It is not Defendant's present contention that Defendant provided Mr. Peralta any specific warning about asbestos containing materials.

INTERROGATORY NO. 10:

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

ANSWER: Defendant objects to this Interrogatory as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this interrogatory as it assumes the existence of known hazards from asbestos at the Houdry Unit from 1953-1957, which is denied.

Without waiving the foregoing, Defendant has not been able to ascertain what such precautions, if any, were taken in the Houdry Unit from 1953-1957 given

the state of knowledge at the time and the use or non-use of asbestos containing products.

INTERROGATORY NO. 11:

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

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

ANSWER: Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the terms "You" and "Defendant". Further, Defendant objects to this request as the term "working" is vague, ambiguous and subject to the multiple interpretations in the context of this suit.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, based on information and belief, it was our policy to require that contractors provide their own safety equipment to contractor employees. Specifically, we believe the contracts with contractors required contractors to provide their own safety equipment. However, based on information presently available, it appears that if a contractor determined he was without a piece of safety equipment, the refinery would provide the contractor with access to whatever equipment it had available. The person with the most current knowledge of the "safety equipment" policies at the El Paso Refinery would likely be a safety supervisor or the contract liaison for any particular

contract.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE: Defendant objects to this request insofar as it assumes a duty to provide equipment to employees of independent contractors who were retained to perform various activities as experts in the various fields in which they were retained and as independent contractors, agreed to take all reasonable precautions to protect their own employees. Defendant further objects to this request as overly broad in that it is not limited to the facility on which Plaintiff claims to have worked nor to the areas on the facility on which Plaintiff claims to have worked nor to the contractor or contractors for whom Plaintiff claims to have worked or to the periods of time he allegedly worked at any Defendant's facility. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that contractors were required to provide their own safety equipment to their employees. Otherwise, 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.

ANSWER: Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing,

and virtually impossible to answer given Plaintiffs' definition of the term "Your". Defendant further objects to this interrogatory as overly broad, vague and ambiguous in that the terms "tests", "working with or around" and "using" are not defined.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we do not believe that the El Paso Refinery conducted any such tests between 1953 to 1957. Testing records located concerning the late 1980's have been provided to Plaintiff's counsel in response to request for production in this, or earlier cases. Please refer to those materials.

Defendant's investigation is continuing and Defendant reserves the right to supplement this response as additional information is located.

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 Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER: Defendant objects to this interrogatory as overly broad, and unduly burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this Interrogatory as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have been present nor to the specific areas within the premises upon which Plaintiff claims to have been present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we do not believe that any such measurements or studies were performed at the refinery from 1953 to 1957.

INTERROGATORY NO. 14.

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

ANSWER: Defendant objects to this interrogatory as overly broad, and unduly burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, this is not believed to have occurred at the El Paso Refinery between 1953 to 1957.

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or

documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such barriers were erected at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates No. CHEV BB 010428-010477, 010604-010709, 010831-010848, 010858-010989, 012081-012086. (Please note some of the documents produced include information regarding containment barriers used by Defendants’ contractors.)

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such controls were used at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign

subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-010477, 010604-010709, 010831-010848, 0100858-010989, 011764-011783, 012081-012086, 012002-012021. (Please note some of the documents produced include engineering controls used by Defendants’ contractors.)

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “you”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such vent or exhaust systems were used at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome.

Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “you”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-0100477, 010604-010709, 010831-010848, 010858-010989, 012081-012086. (Please note some of the documents produced include information regarding ventilation or exhaust systems to divert dust at the work sites used by Defendants’ contractors.)

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: **Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “you”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or**

documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such controls were used at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “you”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-010477, 010604-010709, 010831-010848, 010858-010989, 012081-012086. (Please note some of the documents produced include dust collection engineering controls to trap airborne asbestos dust at the work sites used by Defendants’ contractors.)

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: Defendant objects to this request as overly broad and unduly burdensome in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such requirements were used at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this

request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-0100477, 010604-010709, 010831-010848, 010858-010989, 012081-012036. (Please note some of the documents produced include safety policies used by Defendants' contractors.)

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such evacuations were utilized at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is

neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-010477, 010604-010709, 010831-010848, 0100858-010989, 012081-012086. (Please note some of the documents produced include safety policies used by Defendants' contractors.)

INTERROGATORY NO. 15:

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

ANSWER: Defendant objects to this interrogatory as overly broad, and unduly burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant".

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this

Without waiving the foregoing, we have not yet been able to identify what

specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1953 to 1957. Defendant's investigation is continuing and if such information is located, we will supplement this response.

INTERROGATORY NO. 16:

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

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

ANSWER: Defendant objects to this interrogatory as overly broad, and unduly burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, yes, Chevron expected its contractors to take all reasonable precautions, including the use of respiratory protection whenever the contractor deemed it necessary and appropriate. In addition, contractors agreed to abide by all applicable laws and regulations. Defendant required respiratory protection in the 1950's for all workers in areas where known hazards were present, such as low oxygen, Tetraethyl Lead or H₂S. Chevron also had respirators or masks available for workers working in dusty environments, such as Coke dust and catalyst; and cartridge respirators for irritating, but not necessarily life threatening substances like ammonia. Defendant further refers

Plaintiffs to respirator policies which have been produced in response to request for production. Defendant has been unable to locate earlier written respirator policies because they are discarded when they are replaced to avoid inadvertent use.

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “utilization”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit or deny whether such warnings were posted at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon

which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “utilization”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery outweighs its benefits. TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-010477, 010604-010709, 010831-010848, 010858-010989, 012081-012086. (Please note some of the documents produced include warnings used by Defendants’ contractors.)

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: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “using”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this Request as calling for a legal conclusion. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to

admit or deny whether such warnings were issued at the Houdry Unit during the years 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant further objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term “using”. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the terms “you” and “your”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Bates numbers CHEV BB 010428-010477, 010604-010709, 010831-010848, 010858-010989, 012081-012086. (Please note some of the documents produced include warnings used by Defendants’ contractors.)

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiffs 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 Plaintiffs employer.

RESPONSE: Defendant objects to this request as it is overly broad in that it is not limited to the facility at which Plaintiff claims to have worked nor to Plaintiff’s employer. As such, this request is overly broad and overly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing, we have been unable to locate such material for Vowell Construction from 1953-1957.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE: Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE: Defendant objects to this request for admission to the extent that the terms "power" and "control" are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign

subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “control” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

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: Defendant objects to this request to the extent that the terms “power” and “manage” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this

request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “manage” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

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: Defendant objects to this request for admission to the extent that the terms “power” and “direct” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and

ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “direct” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

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: Defendant objects to this request for admission to the extent that the terms “power” and “superintend” are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and

ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “superintend” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

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: Defendant objects to this request for admission to the extent that the terms “power” and “restrict” are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the

request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “restrict” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

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: Defendant objects to this request for admission to the extent that the terms “power” and “regulate” are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is

inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “regulate” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

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: Defendant objects to this request for admission to the extent that the terms “power” and “govern” are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate

all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “govern” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

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: Defendant objects to this request for admission to the extent that the terms “power” and “oversee” are vague, ambiguous and overly broad, which renders this

particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: Defendant objects to this request to the extent that the terms "power" and "oversee" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

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: Defendant objects to this request for admission to the extent that the terms “power” and “administer” are vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: Defendant objects to this request to the extent that the terms “power” and “administer” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant further objects to this request as it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this

request.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term “controlled” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: Defendant objects to this request to the extent that the term “controlled” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors,

and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term “managed” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Defendant objects to this request to the extent that the terms “managed” and “condition” are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity

about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term "directed" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Defendant objects to this request to the extent that the term "directed" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this

request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term "superintended" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Defendant objects to this request to the extent that the term "superintended" is vague, ambiguous, and overly broad, which renders this particular request

unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term "restricted" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Defendant objects to this request to the extent that the term “restricted” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term “regulated” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 39:

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

denial.

RESPONSE: Defendant objects to this request to the extent that the term “regulated” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term “governed” is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term "oversaw" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees

of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: Defendant objects to this request to the extent that the term “oversaw” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE: Defendant objects to this request for admission to the extent that the term “administered” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the

request does not specify the specific task or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that Chevron U.S.A. Inc. is the current name of the entity that owned and operated the refinery located at 6501 Trowbridge in El Paso, Texas from 1953-1957. Otherwise, denied.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Defendant objects to this request to the extent that the term “administered” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, overly burdensome, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiffs work was performed.

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant’s premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase “plaintiff’s work” vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase.

Defendant further objects to this request for admission to the extent that the term “control” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, admitted.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant’s premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase “plaintiff’s work” vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term “control” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

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 Defendant's Premises, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER: Defendant objects to this interrogatory as vague and ambiguous. Defendant further objects in that this interrogatory calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in scope to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present.

Defendant objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, it is Defendant's contention that Defendant did not maintain the right to control the details of the work of contractor employees during the years at issue. Defendant did maintain the right to inspect progress, receive reports and order the work to start or stop. Defendant and contractors mutually agree at the inception of the job that contract employees would follow Defendant's safety rules as well as their own and appropriate local State and Federal requirements and guidelines. The foregoing only applies to independent contractors and not to leased employees, such as Jose Peralta.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term

“control” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

Without waiving the foregoing, admitted.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant’s premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant’s premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff’s definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific “fishing expedition”.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant’s premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase “plaintiff’s work” vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term “control” is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or

activity about which Plaintiff is inquiring.

Without waiving the foregoing, admitted.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or

activity about which Plaintiff is inquiring.

Without waiving the foregoing, admitted.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the term "control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiff's definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following

reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Defendant objects to this request as it is overly broad, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 49:

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

denial.

RESPONSE: Defendant objects to this request as it is overly broad, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: Defendant objects to this request as it is overly broad, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE: Defendant objects to this request as it is overly broad, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that asbestos containing products were in use at certain locations in the refinery from 1953-1957. Following reasonable inquiry, Defendant is unable to admit or deny whether any such products were installed, or removed from the Houdry Unit in El Paso, Texas from 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Defendant objects to this request as it is overly broad, irrelevant and overly burdensome. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly

worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition".

Without waiving the foregoing, not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant denies that all installation of insulation was done under Defendant's direction, supervision or control. On those occasions where insulation was installed, it was often installed by independent contractors. Following reasonable inquiry, Defendant is unable to admit or deny with respect to the Houdry Unit in 1953-1957. If further answer is required, same is denied.

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed,

supervised, and/or controlled such installation activities.

RESPONSE: Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad, over burdensome and irrelevant in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, please refer to contracts and specifications provided in response to request for production no.'s 72, 73 and 82.

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: Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request. Defendant further objects to this interrogatory as vague and ambiguous in that the "physical injury" Plaintiff is inquiring about is not defined and is subject to multiple interpretations.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered without speculation because it seeks information about scientific inferences which have developed gradually over the years and have been the subject of differing views and interpretations.

Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first learned that certain forms of asbestos could be, under certain circumstances, associated with certain diseases. Any former employee who may have learned of an association between asbestos and certain diseases under certain circumstance, such as in mines or in textile mills, does not necessarily mean they became aware at the same of any risk of harm in typical refinery operations. As the risk of harm in refinery operations became known, Defendant took the appropriate steps to protect and educate workers, including the ultimate banning of the use of asbestos-containing insulation materials.

Defendant refers to Plaintiff to documents produced by Defendant in response to request for production in this case and in past cases.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE: Defendant objects to this request to the extent it is overly broad and burdensome and which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request constitutes an impermissible fishing expedition in violation of Texas law. Defendant further objects that documents responsive to this request are already in Plaintiff's counsel's possession or are in the public domain to which Plaintiff has equal access.

Without waiving the foregoing, please see the documents provided Plaintiff's counsel in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2, and see response to Request for Production No. 2 of those documents. See also documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 5567-5583. See also Bates numbers CHEV BB 011098-011124, 011137-011144, 011218-011220, 011221-011223, 011717-011725, 011727-011728, 011740. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE Defendant objects to this request for admission as vague, ambiguous, and overly broad, which renders this particular request unintelligible. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked, nor the areas within any of Defendant's premises where Plaintiff allegedly worked. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiffs employer.

RESPONSE: Defendant objects to this request for admission as vague, ambiguous, and overly broad, which renders this particular request unintelligible. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Further, Defendant objects to this request to the extent that Plaintiff does not specify which contractor was his employer or what work Plaintiff claims was performed by that contractor. Defendant further objects to this request for admission to the extent that the term "supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, after reasonable inquiry Defendant is unable to admit or deny.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE: Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. In addition, Defendant objects as this request assumes that Plaintiff was at known risk for exposure to asbestos on Defendant's premises, which is denied and it assumes Plaintiff was exposed to asbestos on Defendant's premises, which is denied. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "Defendants," and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

If further answer is required, 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 Plaintiffs Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome and harassing. Defendant further objects to this request as it constitutes a non-specific "fishing expedition" which is impermissible under Texas law. Further, Defendant specifically objects to this request as it invades the work product privilege embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Therefore, Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, please refer to all documents produced or referenced in Defendant's responses to Plaintiff's discovery.

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.

ANSWER: Defendant objects to this Interrogatory insofar as it assumes Plaintiff was exposed to asbestos, and that he suffered from an asbestos related injury, both of which are denied. Defendant further objects to this interrogatory as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Defendant objects to the phrase “substantial contributing factor” as vague and ambiguous and renders a response impossible without speculation as to the meaning of the term.

Defendant objects to this Interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant does contend that Mr. Peralta was not exposed to asbestos at Defendant’s premises, or certainly that he was not exposed to sufficient quantities of asbestos to have been a contributing factor to any disease. Mr. Peralta is alleged to have been working as a custodian or janitor on the Houdry Catalytic Unit. He was never engaged in applying or removing insulation or asbestos containing materials. Defendant further contends that Mr. Peralta did not have an asbestos related injury. Please refer to the medical records and depositions as well as the history given to health care providers by Mr. Peralta himself.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff was exposed to asbestos while working at Defendant’s premises, which is denied. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”, and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.
REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos, which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, please refer to medical records and the history given Plaintiff's health care providers by Mr. Peralta himself.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is denied. Defendant further objects to this request as it assumes there was a known risk of asbestos-related injury for janitors in the Houdry Unit from 1953-1957, which is denied. Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign

subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, 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: Defendant objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is denied. Defendant further objects to this request as it assumes there was a known risk of asbestos-related injury for janitors in the Houdry Unit from 1953-1957, which is denied. Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant further objects to this request as it assumes an unreasonable risk of harm posed by the use of such products, which is denied. If further answer is required, denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is subject to question.

Defendant further objects to this request as it is overly broad, vague and ambiguous and because the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which plaintiff claims to have worked nor to the specific areas where plaintiff claims to have worked. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, please refer to all documents produced, or referred to, in responses to Plaintiff's discovery.

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 Plaintiffs asbestos-related injury.

RESPONSE: Defendant objects to this request insofar as it assumes that Plaintiff was exposed to asbestos on Defendant's premises, that plaintiff had an asbestos related injury, that Plaintiff was subjected to a known risk of harm and that Defendant failed to reduce or eliminate the risk of harm, all of which is denied. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: Defendant objects to this request as it is overly broad and overly burdensome. Defendant further objects to this request insofar as it assumes Plaintiff worked on Defendant's premises, that he was exposed to asbestos, that plaintiff has an asbestos related injury, and that Defendant failed to reduce or eliminate the risk of harm, all of which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, please refer to all documents produced or referred to in responses to Plaintiff's discovery.

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises where Defendant's employees were working with asbestos containing materials. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring; Plaintiff has not identified any specific in which he was worked on Defendant's premises. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, please refer to all documents produced or referred to in response to Plaintiff's discovery.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE: Defendant objects to this request insofar as it assumes Plaintiff was exposed to asbestos on Defendant's premises which is denied. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see pleadings, testimony, work history, discovery responses, medical records and expert testimony, all of which is or will be available for inspection at the offices of Defendants counsel at any mutually convenient time.

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: Defendant objects to this request as overly broad, unduly burdensome and harassing. Defendant further objects to this as an impermissible "fishing expedition".

Without waiving the foregoing, see Plaintiff's pleadings, testimony, work history, discovery responses, medical records and expert testimony, all of which is available for inspection at the offices of Defendants counsel at any mutually convenient time.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: Defendant objects to this request as it is overly broad, over burdensome, vague and ambiguous in that the request does not specify the specific task, work site, time

period, or activity about which Plaintiff is inquiring. Defendant further objects to this request as it assumes Plaintiff worked in the vicinity of Defendant's employees at a time they were working with asbestos materials, which is denied. In addition, Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the terms "you" and "your", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant further objects to this request as it assumes Defendant's employees worked with asbestos in the vicinity of Plaintiff, which is denied. Defendant further objects to this request as it constitutes a non-specific "fishing expedition". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Plaintiff's work history, Defendant's discovery responses, medical records, witness and expert testimony, all of which is available for inspection at the offices of Defendants counsel at any mutually convenient time.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Defendant objects to this request as it is overly broad, unduly burdensome and constitutes a non-specific "fishing expedition". Defendant further objects to this request as calling for material exempted from discovery by the work product privilege and for documents equally available to Plaintiffs.

Without waiving the foregoing, see Plaintiff's pleadings, testimony, work history, discovery responses, medical records and expert testimony, all of which is available for inspection at the offices of Defendants counsel at any mutually convenient time.

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

discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, Defendant has not located such documentation in effect at the El Paso refinery from 1953-1957.

INTERROGATORY NO. 20:

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

ANSWER: Defendant objects to this Interrogatory as it is overly broad, unduly burdensome, vague and ambiguous. Further, Defendant objects to this request as the term “hazardous” is vague, ambiguous and subject to the multiple interpretations in the context of this suit. It is not limited by time or location and constitutes a “fishing expedition”. It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and which is equally available to Plaintiff’s counsel. Defendant objects to this interrogatory as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered because Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant’s business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first received, maintained,

reviewed, or disseminated the information contained in such written materials.

Without waiving the foregoing, yes, see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas and documents produced in this case. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous. Further, Defendant objects to this request as the term "hazardous" is vague, ambiguous and subject to the multiple interpretations in the context of this suit. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, this interrogatory is incapable of being fully and reliably answered because Defendant is a corporation comprised of many individuals, all of whose personal knowledge regarding asbestos would be impossible to ascertain. Due to the size of Defendant's business and the number of decades over which it has operated with the attendant personnel changes, it is impossible to determine when or how any one employee first received, maintained, reviewed, or disseminated the information contained in such written materials.

Without waiving the foregoing, see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 5567-5583. See also Bates numbers CHEV BB 011098-011124, 011138-011144, 011218-011220, 011221-011223, 011717-011725, 011727-011728, 011740. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE: Defendant objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant further objects to this request as calling for a legal conclusion.

Without waiving the foregoing, after reasonable inquiry, Defendant is unable to admit to deny. If further answer is required, same is denied.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE: Defendant objects to this request as it calls for a legal conclusion, is argumentative, and assumes Plaintiff has or had an asbestos -related illness, which is denied. Defendant further objects to this request as harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, Defendant admits that it no longer installs any asbestos products on its premises.

REQUEST FOR ADMISSION NO. 62:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1972.

RESPONSE: Defendant further objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 63:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1973.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 64:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1974.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 65:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1975.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 66:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1976.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 67:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1977.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 68:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1978.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 69:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1979.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 70:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1980.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 71:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1981.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and

ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 72:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1982.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 73:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1983.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about

which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 74:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1984.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 75:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1985.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for

information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 76:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1986.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery out weighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 77:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1987.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for

information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR ADMISSION NO. 78:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1988.

RESPONSE: Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Accordingly, this request calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant objects to this request as overly broad, unduly burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "Defendant", and as such the burden of discovery outweighs its benefits, TRCP 192.4. Defendant objects that the request is not limited in time to the years of plaintiff's alleged exposures or the locations where Plaintiff allegedly worked.

Without waiving the foregoing, Defendant admits that at some locations in the refinery there may be undisturbed asbestos containing products in place, but denies that any such material is removed or disturbed in any way without full and complete precaution.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE: Defendant objects to this request for production to the extent that it is overly broad, vague, irrelevant, unduly burdensome, and not limited to the facilities where Plaintiff allegedly was present. TRCP 192.3(a). Defendant objects to this

request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "you".

Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, please see the documents provided Plaintiff's counsel in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2, and see responses to Request for Production Nos. 7, 19 and 27 of those documents. Please note that some of the records previously produced may reflect use of products which do not contain asbestos. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant further objects as this request constitutes an impermissible "fishing expedition".

Without waiving the foregoing, see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 5567-5583. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited to the premises where Plaintiff allegedly was present. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff was present. Defendant also objects to this request as overly broad in that it is not limited to health and safety regulations dealing with asbestos. In addition, Defendant objects to this request to the extent that it seeks information which is a matter of public record or otherwise available to Plaintiff without imposing a burden on Defendant. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "your".

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. See also Bates CHEV BB Nos. 011967-011968, 011690-011692, 011694-011704, 011710-011712, 011734, 012026-012031. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 70:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly was present. Defendant objects to this request

as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 5584-5617. Please refer also to documents produced in cause no. 98-1338, *Mary Hermosillo v. Owens Corning, et al* and to documents produced herein. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly was present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957, other than the documents referred to in response to Request No. 8 in Cause No. 98-1338; *Mary*

***Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. and the documents produced in response to Plaintiffs' Request for Production Request No. 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law No. 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 7335-7359. Specifically Bates numbers CHEV BB 7335 -7359. See also attached documents, Bates numbers CHEV BB 010390, 010392-010470, 010484-010490, 010501-010550, 010553-010554, 010588-010592, 010605-010731, 010741-010819, 010821-010827, 010831-010989, 010992-011017, 011019-011097, 011425, 011477, 011480, 011519-011673, 011684-011685, 011713-011714, 011734, 011763, 011903-011970, 011982-011994, 012081-012086, 012098-012127, 012217-012255. Defendant reserves the right to supplement this response as additional information is located.**

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly was present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, please see documents produced in response to Plaintiff's Request for Production No. 7 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. See also attached documents, Bates numbers CHEV BB 0010128-0010141, 010161, 010163-010170, 010173-010189, 010192-010232, 010391, 010398-010403, 010423-010425, 010436-010453, 010483, 010515-010521, 010525-010527, 010536-010545, 010733-010739, 010820, 011001- 011002, 011018, 011046-011047,

011097, 011195-011211, 011224-011228, 011338-011382, 011404-011423, 011480-011518, 011589-011641, 011726, 011728-011733, 011742-011761, 011892-011902, 012025, 012026, 012031, 012087-012097. Please note that some of the records produced may reflect use of products which do not contain asbestos. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly was present. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production No. 8,7,9 and 27 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. and the documents produced in response to Plaintiffs' Request for Production Request No. 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 7335-7359. Specifically Bates numbers CHEV BB 7335 -7359. See also attached documents, Bates numbers CHEV BB 010390, 010392-010470, 010484-010550, 010553-010554, 010588-010592, 010605-010731, 010741-010819, 010821-010827, 010831-010989, 010992-011017, 011019-011097, 011425, 011477, 011519-011673, 011684-011685, 011713-011714, 011734, 011763, 011903-011970, 011982-011994, 012081-012086, 0102098-012127, 012217-012255. Defendant reserves the right to supplement this response as additional

information is located.

REQUEST FOR PRODUCTION NO. 74:

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

RESPONSE: Defendant objects to this request as vague and insofar as it calls for material exempted from discovery by the work product privilege.

Without waiving the foregoing, none other than as reflected below.

Medical records in the possession of Defendant or its counsel, have either been supplied by Plaintiff's counsel or are equally accessible to Plaintiff's counsel. Such records, if any, will be available for inspection at the offices of Defendant's counsel on reasonable request.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE: Defendant has no "personnel" file on the plaintiff.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as not limited in time nor scope to periods or locations of Plaintiff's alleged work on the premises. Further, Defendant objects to this request to the extent that it seeks confidential and/or proprietary information and/or trade secrets. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiff's definition of the term "Defendant".

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates”; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant has not undertaken an effort to provide information or documentation which constitutes “work product” as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, please refer to the 1956 photograph of the facility and 1956 contour aerial diagram provided in response to Plaintiffs’ Request for Production No. 12 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant’s premises nor to the areas within Defendant’s premises where Plaintiff allegedly worked.

Without waiving the foregoing, we have not yet located any such warnings in place at the Houdry Unit from 1953-1957.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant’s premises nor to the areas within Defendant’s premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs’ definition of the term “Defendant”.

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we are unable to locate photographs of known asbestos containing products dated between 1953 and 1957.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term “Defendant”. Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all “merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates”; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we are unable to locate photographs of warning signs or warning statements dated between 1953 and 1957, which may have been in place at Defendant's premises in the vicinity of asbestos containing products.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually

impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Defendant further objects to this request as calling for information which is proprietary or private to other individuals claiming such injuries, if any. To the extent any such claims resulted in law suits, such records are public and equally available to Plaintiffs.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE: Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent that it is not limited to the facilities Plaintiff allegedly was present nor to the time periods when Plaintiff allegedly worked there.

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production No. 19 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. Please also refer to document produced herein.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when

Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production No. 19 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2 and see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB BB 5621-6374, 7360-7420. See also Bates numbers CHEV BB 010391, 010483, 010820, 011018, 011195-011211, 011224-011228, 011338-011382, 011404-011423, 011480-011518, 011589-011641, 011726, 011728-011733, 011742-011761, 011892-011902, 012025, 012026, 012031, 012087-012097. Please note that some of the records produced may reflect use of products which do not contain asbestos as well as products about which information was gathered, but which were not purchased. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "your". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation

arguably responsive to this request.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957.

See Bates numbers CHEV BB 0010099-0010127, 0010099-0010105, 0010113, 0010064, 0010066, 010269, 010270, 010476-010481, 010570-010575, 010578-010580, 010582-010587, 010740, 010783, 011705, 012032-012079, 012339-012340, 12256-12272.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957. See Bates numbers. CHEV BB 0010114-0010127, 0010099-0010105, 0010113, 0010064, 0010066, 010269, 010270, 010476-010481, 010570-010575, 010578-010580, 010582-010587, 010740, 010783, 011705, 012032-012079, 012339-012340, 12256-12272. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "your".

Without waiving the foregoing, expert reports will be provided in accordance with the Rules of Procedure and Standing Order No. 1.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE: Defendant objects to this request for production to the extent that it is overly broad, unduly burdensome

Defendant specifically objects to this request as it invades the work product privilege embodied in Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. Therefore, Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this

request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production No. 2,7,8, and 9 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. and see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 6375-7028. See also Bates numbers CHEV BB 0010026 -0010063, 0010065, 0010096-0010098, 0010106-0010112, 010278-010387, 010415-010419, 010436-010453, 010465, 010472-010480, 010482, 010551, 010552, 010555-010587, 010778-010787, 010790-010819, 010821-010848, 010852-010857, 011098-011137, 01145-011194, 011212-011217, 011229-011260, 011424, 011426-011477, 011674-011683, 011686-011704,011706-011711, 011713-011725, 011727, 011728, 011730-011733, 011735-011741, 011763, 011903-011966, 011969-

011999, 012001-012002, 012022- 012024, 012081-012086, 012098-012127. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see Plaintiffs' Request for Production Request No. 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 7029-7324. Defendant has not located any such document concerning the El Paso Refinery from 1953-1957. Defendant reserves the right to

supplement this response as additional information is located.

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 Plaintiffs work at Defendant's Premises.

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken an effort to provide information or documentation which constitutes "work product" as that term is defined in the Rules of Civil Procedure. Any such material arguably otherwise responsive to this request is withheld.

In addition to all previous objections which are incorporated herein, Defendant objects to this request insofar as it calls for the production of material exempted from discovery by the privileges afforded. Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957. However, see Bates numbers CHEV BB 0010019-0010025, 010233-010268, 011478-011479 for other years.

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE: Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Without waiving the foregoing, see documents produced in response to Plaintiff's Request for Production No. 31 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning, et al*; In the District Court, El Paso County, Texas, County Court at Law No. 2. See also Bates numbers CHEV BB 011261-011330. A current report is available on the Internet at www.chevron.com.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is proprietary and is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant".

Defendant has not undertaken to conduct historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries of predecessors, and/or affiliates"; then to contact and interview all such persons for information or documentation arguably responsive to this request.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have been unable to locate any such material concerning the El Paso Refinery dated between 1953 and 1957 other than those

documents already produced in response to Request No. 7 in Cause No. 98-1338; *Mary Hermosillo vs. Owens Corning*, et al; In the District Court, El Paso County, Texas, County Court at Law No. 2. Please note that some of the records produced may reflect use of products which do not contain asbestos. Defendant reserves the right to supplement this response as additional information is located.). Please also refer to contracts produced herein. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 95.

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, see documents produced in response to Plaintiffs' Request for Production Request number 3; in Cause Number 2000-757; *Ignacio Serafin, et al v. Chevron U.S.A. Inc.*; In County Court at Law Number 3, El Paso, County, Texas. Specifically Bates numbers CHEV BB 007309 to BB 007335. Defendant has been unable to locate any contracts from the El Paso Refinery from 1953-1957. Defendant reserves the right to supplement this response as additional information is located.

REQUEST FOR PRODUCTION NO. 96.

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

RESPONSE: Defendant objects to this request for production as overly broad and unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant

further objects to this request s it is not limited in scope to the time periods when Plaintiff allegedly worked on Defendant's premises nor to the areas within Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as overly broad, unduly burdensome, irrelevant, harassing, and virtually impossible to answer given Plaintiffs' definition of the term "Defendant". Defendant has not undertaken historical research to identify and locate all present and past agents or employees of all "merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries or predecessors, and/or affiliates"; and then to contact and interview all such persons for information or documentation arguably responsive to this request.

Without waiving the foregoing, we have not yet been able to identify what specific information, if any, was posted or disseminated at Defendant's El Paso Refinery between 1953 and 1957. In the event such information is located, we will supplement this response.

REQUEST FOR PRODUCTION NO. 97.

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

RESPONSE: Defendant objects to this request for production as overly broad, over burdensome and vague, and which constitutes an impermissible "fishing expedition".

Defendant has not undertaken an effort to provide information or documentation which constitutes work product as that term is defined in the Rules of Procedure. Any such material arguably otherwise responsive to this request is withheld.

Without waiving the foregoing, see pleadings, testimony, work history, discovery responses, medical records and expert testimony, all of which is or will be available for inspection at the offices of Defendants counsel at any mutually convenient time.

REQUEST FOR PRODUCTION NO. 98:

If you contend 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 or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: Defendant objects to this request as overly broad, over burdensome, harassing and virtually impossible to answer given Plaintiffs' definition of the term "you", and as such the burden of discovery out weighs its benefits, TRCP 192.4.

Without waiving the foregoing, Defendant will not contest that Chevron U.S.A. Inc. is the current name of the entity which owned the El Paso refinery at 6501 Trowbridge in El Paso, Texas from 1953-1957.

	NO. 99-3990	
IRMA BUSTAMANTE, INDIVIDUALLY	§	IN THE COUNTY COURT
AND AS PERSONAL REPRESENTATIVE	§	
OF THE HEIRS AND ESTATE OF JOSE	§	
PERALTA, DECEASED	§	
	§	
VS.	§	AT LAW NO. THREE
	§	
OWENS CORNING (A/K/A OWENS	§	
CORNING CORPORATION), ET AL	§	EL PASO COUNTY, TEXAS

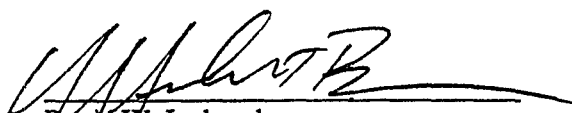
CERTIFICATE OF WRITTEN DISCOVERY

This is to certify that on April 20, 2001, Defendant, Chevron U.S.A. Inc, served on the Plaintiff the following:

- Chevron U.S.A. Inc.'s Amended Responses to Plaintiffs' First Set of Interrogatories, Requests for Admission and Request for Production;
- Chevron U.S.A. Inc.'s Responses to Plaintiff's Second Set of Request for Admissions Propounded on Premises Defendant Chevron U.S.A. Inc.;
- Chevron U.S.A. Inc.'s Responses to Plaintiff's Second Requests for Production Propounded on Premises Defendant Chevron U.S.A. Inc.

Respectfully submitted,

STRONG, PIPKIN, NELSON,
BISSELL & LEDYARD, L.L.P.



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ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing is being furnished to Plaintiffs' counsel by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this the 20th day of April, 2001.



Michael T. Bridwell