

## CAUSE NO. 97-4054-F

|                              |   |                          |
|------------------------------|---|--------------------------|
| MARIO RAMIREZ,               | § | IN THE DISTRICT COURT OF |
| Plaintiff,                   | § |                          |
|                              | § |                          |
| vs.                          | § | NUECES COUNTY, TEXAS     |
|                              | § |                          |
| OWENS CORNING (a/k/a OWENS   | § |                          |
| CORNING CORPORATION), et al. | § |                          |
| Defendants.                  | § | 214th JUDICIAL DISTRICT  |

**DEFENDANT CITGO REFINING AND CHEMICALS COMPANY, L.P.'S  
RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION**

TO: Plaintiff, Mario Ramirez, by and through his attorney of record Mr. Russell Budd, Baron & Budd, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas, 75219.

COMES NOW Defendant CITGO Refining and Chemicals Company, L.P. ("CITGO"), and makes this its objections and responses to Plaintiff's Requests for Production pursuant to the Texas Rules of Civil Procedure.

Respectfully submitted,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

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**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the foregoing has been served via the indicated means to the below listed counsel of record this 14<sup>th</sup> day of September, 2001.

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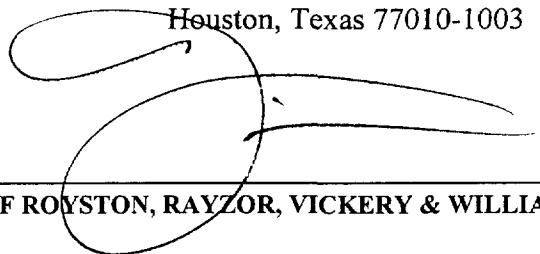
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OF ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

## **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

The Defendant objects to the instructions and definitions included in the Plaintiff's discovery request to the extent that they seek to impose duties or obligations which are beyond that imposed by the Texas Rules of Civil Procedure. In addition, the Defendant makes the following specific objections:

The Defendant objects to the definitions of "Defendant", "You", "Your", and "Your Company" as being overly broad, vague, burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. The definitions seek to require the Defendant to answer questions based upon the knowledge of all of its employees (both present and past), its "Agents," which term is vague in itself, and any companies which are now or have ever been in any way related to this Defendant. The definition seeks to place a burden upon the Defendant which is impossible to discharge and which is well beyond any contemplated by the Texas Rules of Civil Procedure.

The Defendant objects to the terms "Product containing asbestos fibers", "asbestos-containing products", "asbestos products" for the reason that this Defendant is not a manufacturer of asbestos or asbestos related products. As such, it does not possess knowledge regarding the manufacture of asbestos-containing products, unless that information is provided. Therefore, these terms are overly broad, vague, harassing and burdensome to the extent that they require this Defendant to respond with regard to the manufacture of each and every product within its facility.

The Defendant objects to the definition of the term "Time Period At Issue" as being overly broad, vague and ambiguous to the extent that it refers the Defendant to a number of different sources, which are or may be conflicting, to determine the period of time specified. Subject to and without waiving its objections, Plaintiff's Fourth Amended Asbestos Petition alleges Plaintiff's dates of exposure in the refinery for which this Defendant is responsible to be 1988 through 1991. The Defendant, therefore, objects to providing information or documents with respect to any period of time other than 1988 through 1991.

## **PLAINTIFF'S REQUESTS FOR PRODUCTION**

### **REQUEST FOR PRODUCTION NO. 1:**

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

### **RESPONSE:**

CITGO objects to the phrase "asbestos containing products" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time and vague in that the term "use" is undefined in the context of this case. Subject to and without waiving said objections, Plaintiff alleges that he worked in the refinery as an insulator during the period 1988-1991. CITGO does not believe that the refinery purchased any asbestos insulation during that time. However, if it discovers any documents indicating otherwise, they will be produced.

### **REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

### **RESPONSE:**

CITGO objects to this request as being overly broad and burdensome in that it is not limited in time and burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence because Plaintiff has testified that his employer had abatement crews and that he was not on the crews. Subject to and without waiving said objections, CITGO will make a reasonable search for and produce the asbestos abatement records of the refinery's abatement contractor, to the extent that they can be located, for the period 1988-1991. A complete set of said records are believed to be in the possession of the abatement contractor.

### **REQUEST FOR PRODUCTION NO. 3:**

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or other documents of a similar nature.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons set forth above. CITGO further objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the days the Plaintiff was in the refinery or the plant in which he worked. Subject to and without waiving said objections, CITGO made a reasonable search for the gate logs for the period 1988-1991 and was unable to locate them.

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individual entering and/or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons set forth above. CITGO further objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the days the Plaintiff was in the refinery or the plant in which he worked. Subject to and without waiving said objections, CITGO made a reasonable search for the gate logs for the period 1988-1991 and was unable to locate them.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons set forth above. CITGO further objects to this request as being overly broad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence insofar as the request is not limited to work in which the Plaintiff participated (which has not been identified) and constitutes no more than a "fishing expedition."

REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons set forth above. CITGO further objects to this request as being overly broad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence insofar as the request is not limited to work in which the Plaintiff participated (which has not been identified) and constitutes no more than a "fishing expedition."

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to this request as it is overly broad and burdensome in that it is not limited in time. Subject to and without waiving any objections, CITGO will make a reasonable search for documents responsive to this request made during the period 1988-1991 and will produce documents, if any are located.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

CITGO objects to the term "asbestos-containing products" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time, and vague in that the term "use" is undefined in the context of this case. Subject to and without waiving any objections, CITGO will make a reasonable search for documents responsive to this

request which were made or displayed during the period 1988-1991 and will produce documents, if any are located.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

CITGO objects to the term "asbestos-containing products" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time, and vague in that the term "vicinity" is undefined. Subject to and without waiving any objections, CITGO will make a reasonable search for documents responsive to this request made or displayed during the period 1988-1991 and will produce documents, if any are located.

REQUEST FOR PRODUCTION NO. 10:

Please 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

CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time or to the plants in which Plaintiff worked, and is vague in that the term "relate" is undefined. CITGO further objects to this request as being burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, CITGO will make a reasonable search for records from inspections during the period 1988 - 1991 of the Corpus Christi refinery and will produce any documents found which relate to asbestos.

REQUEST FOR PRODUCTION NO. 11:

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, please 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:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time on the refinery in Corpus Christi, and because it is harassing and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, CITGO will produce test data in its possession from the period 1988 through 1991 for the Corpus Christi refinery, subject to a confidentially agreement.

REQUEST FOR PRODUCTION NO. 12:

Please 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:

CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as being overly broad and burdensome in that it is not limited in time, and because it is harassing and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, CITGO will make a reasonable search for and produce test data in its possession from the period 1988 through 1991 for the Corpus Christi refinery, subject to a confidentially agreement.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE:

CITGO objects to this request as being overly broad and burdensome in that it is not limited in time and because it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, CITGO will make a reasonable search for responsive documents that would have been at the refinery during the period 1988-1991, and will produce any documents located.

REQUEST FOR PRODUCTION NO. 14:

Please produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiff's Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

CITGO objects to the term "you" for the reasons stated above. CITGO also objects to this request as being overly broad, vague, burdensome and harassing. In addition, CITGO objects because the request fails to identify particular documents or categories of documents as required by the Texas Rules of Civil Procedure. CITGO also objects to this request in that it is overly broad, vague and burdensome insofar as it purports to require CITGO to marshal its evidence which is beyond the scope of discovery under the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the documents supporting your contention.

RESPONSE:

CITGO objects to the terms "you" and "your" for the reasons stated above. CITGO also objects because the request fails to identify particular documents or categories of documents as required by the Texas Rules of Civil Procedure. CITGO also objects to this request in that it is overly broad, vague and burdensome insofar as it purports to require CITGO to marshal its evidence which is beyond the scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving its objections, see documents responsive to Requests for Production No. 11 and 12 and Plaintiff's deposition transcript.

REQUEST FOR PRODUCTION NO. 16:

Please produce all documents used, referred to or relied upon In answering any Interrogatories.

RESPONSE:

CITGO objects because the request fails to identify particular documents or categories of documents as required by the Texas Rules of Civil Procedure. CITGO also objects to this request

in that it is overly broad, vague and burdensome insofar as it purports to require CITGO to marshal its evidence which is beyond the scope of discovery under the Texas Rules of Civil Procedure. Subject to and without waiving its objections, see Plaintiff's deposition transcript.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

**RESPONSE:**

CITGO objects to the term "Defendant" for the reasons stated above. CITGO further objects to this request as being overly broad and burdensome in that it is not limited in time. CITGO also objects to the term "tangible things" as being vague in the context of the request. Subject to said objections, and without waiving any objection, CITGO will produce a copy of its current document retention policy.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents, including but not limited to lists, inventories, indices, databases or printouts thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

RESPONSE:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to the request as being overly broad and burdensome in that it is not limited in time and overly broad and vague in its reference to the "subject matter areas of Plaintiffs' Interrogatories," and harassing and beyond the scope of discovery in that the request fails to identify particular documents or categories of documents as required by the Texas Rules of Civil Procedure

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that that (sic) were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

CITGO objects to the use of the term "you" for the reasons stated above. CITGO objects to this request as being overly broad and burdensome in that it is not limited in time and because it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, CITGO will make a reasonable search for responsive documents that would have been at the refinery during the period 1988-1991, and will produce any documents located.

REQUEST FOR PRODUCTION NO. 20:

Please 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:

CITGO objects to the use of the term "you" for the reasons stated above. CITGO objects to this request as being overly broad and burdensome in that it is not limited in time or the topic of asbestos and because it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, CITGO will make a reasonable search for responsive documents that would have been at the refinery during the period 1988-1991, and will produce any documents located.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

RESPONSE:

CITGO objects to the use of the term "your" for the reasons stated above. CITGO objects to this request as being overly broad and burdensome in that it is not limited in time and because it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving said objections, CITGO will make a reasonable search for responsive documents that would have been at the refinery during the period 1988-1991, and will produce any documents located.

REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

RESPONSE:

CITGO objects to the use of the term "Defendant" for the reasons stated above. CITGO objects to this request as being overly broad and burdensome in that it is not limited in time and because it is not reasonably calculated to lead to the discovery of admissible evidence. CITGO also objects to the term "tangible things" as being vague in the context of the request. Subject to and without waiving said objections, CITGO will make a reasonable search for responsive documents that would have been at the refinery during the period 1988-1991, and will produce any documents located.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to this request as being overly broad and burdensome in that it is not limited in time, and vague in its use of the term "related" in the context of the request. Subject to and without

waiving said objections, Plaintiff testified that he was an insulator who worked in the refinery during the period 1988-1991. CITGO does not believe that any asbestos insulation was installed during that period. However, if it discovers any documents indicating otherwise, the documents will be produced.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. 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 any records relating to Plaintiff's health.

RESPONSE:

CITGO has no documents responsive to this request, unless they were received during the discovery process in this lawsuit.

REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to this request in that it is overly broad, burdensome and beyond the scope of discovery in that it does not seek particular documents or categories of documents as required under the Texas Rules of Civil Procedure. CITGO specifically objects to the burden sought to be imposed by this request to search each and every document in its possession looking for ones that list Plaintiff's name, if any exist.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in anyway the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

RESPONSE:

CITGO objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in time or to the locations where the Plaintiff claims he worked. Subject to and without waiving its objections, CITGO will make a reasonable search for a map and any photographs that depict the refinery as it was during the period 1988 - 1991 and will produce the same.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE:

CITGO objects to this request for its attorney's "plans" as being protected by attorney work product privilege. Subject to and without waiving any objections, if Plaintiff will show CITGO the actual exhibits Plaintiff intends to offer at trial, CITGO will show its exhibits ten (10) days later.

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in anyway at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in time. Subject to and without waiving any objections, CITGO will make a reasonable search for photographs from the period 1988 - 1991, and produce them if any are located.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such claims.

RESPONSE:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO further objects to this request as being overly broad, burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in time. Subject to and without waiving its objections, CITGO is not aware of any workers' compensation claims made relating to asbestos exposure, including any claims of exposure to asbestos during the years 1988 - 1991. CITGO is aware of lawsuits filed by contract workers alleging exposure to asbestos and injuries therefrom which are a matter of public record.

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in anyway discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to this request as being overly broad, burdensome and harassing in that it is not limited in time. Subject to and without waiving any objections, CITGO will search for documents created from 1988 to 1991, and will produce any which are located.

REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion or information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE:

CITGO objects to the term "Defendant" and the phrases "asbestos-containing products" and "Time Period At Issue" for the reason stated above. CITGO also objects to the descriptions "Defendant Premises representatives," "departmental persons" and "members of Defendant" for the reason that these terms are vague and not understood by the Defendant. Subject to and without waiving any of its objections, CITGO will search for documents responsive to the request for the period 1988 to 1991, and will produce any responsive documents that are located.

REQUEST FOR PRODUCTION NO. 32:

Please 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:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to the request to the extent that it seeks to discover the work product or mental impressions of its attorneys, which is beyond the scope of discovery. In particular, CITGO objects to the request asking for the disclosure of documents which will be used to cross-examine witnesses, or used in rebuttal as being beyond the scope of discovery. CITGO also objects to this request in that it is overly broad, vague and burdensome insofar as it purports to require CITGO to marshal its evidence which is beyond the scope of discovery under the Texas Rules of Civil Procedure. CITGO also objects to the request as it fails to identify particular documents or categories of documents requested, and attempts to rely on the Defendant to decide what is and what is not "relevant." Since "relevance" is a matter of judgment, the use of the term, in the context of the request, is vague. Subject to and without waiving its objections, if the Plaintiff will show CITGO its documents and exhibits, that are the actual documents which he intends to use, and not a prefabricated laundry list or "canned" production, CITGO will reciprocate ten (10) days later.

REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation insurance carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being overly broad in that it is not limited in time. Subject to and without waiving any of its objections, CITGO will make a reasonable search for documents and produce responsive documents for the period 1988 to 1991, if any are located.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

**RESPONSE:**

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being overly broad in that it is not limited in time. CITGO also objects to the portion of this request that refers to "dust in general" as not being reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any of its objections, CITGO will make a reasonable search for documents and produce responsive documents for the period 1988 to 1991, if any are located.

**REQUEST FOR PRODUCTION NO. 35:**

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

**RESPONSE:**

CITGO objects to this request as being over broad and burdensome in that it is not limited in time, harassing and not reasonably calculated to lead to the discovery of admissible evidence. CITGO also objects to the phrase "relating to the safety" as being vague in the context of the request. Subject to and without waiving its objections, CITGO will make a reasonable search for documents and produce any safety rules or policies in effect during the period 1988 - 1991 relating to asbestos, if any are located.

**REQUEST FOR PRODUCTION NO. 36:**

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

RESPONSE:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being over broad in that it is not limited in time, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. CITGO also objects to the phrase "regarding safety conditions and work place conditions" as being vague in the context of the request. Subject to and without waiving its objections, CITGO will make a reasonable search for and will produce any complaints relating to asbestos received during the period 1988 - 1991, if any are located.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

CITGO objects to this request as being over broad in that it is not limited in time, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. CITGO also objects to the phrase "regarding safety conditions and work place conditions" as being vague in the context of the request. Subject to and without waiving its objections, CITGO will make a reasonable search for and will produce any complaints relating to asbestos received during the period 1988 - 1991, if any are located.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons stated above. CITGO also objects to the phrase "members of the management team" as being vague in the context of the request. CITGO further objects to this request as being burdensome and harassing. Subject to and without waiving any of its objections, CITGO will make a reasonable search for documents and produce organizational charts for the period 1988 to 1991, if any still remain in their possession, custody or control.

REQUEST FOR PRODUCTION NO. 39:

Please 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:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being overly broad in that the time period is too broad. CITGO also objects to the phrase "evidence Defendant's net worth" as being vague in the context of the request. CITGO further objects to this request as being burdensome, and harassing in that CITGO's "10-K" forms are publicly available, and not reasonably calculated to lead to the discovery of admissible evidence in that no evidence of malice on the part of CITGO exists.

REQUEST FOR PRODUCTION NO. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE:

CITGO objects to the term "Defendant's" for the reasons stated above. CITGO also objects to this request as being overly broad in that it is not limited in time and is burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited in scope. CITGO also objects to the word "liabilities" as being vague in the context of the request. Subject to and without waiving any of its objections, CITGO assumed responsibility for liability as if it were the owner and/or operator of the refinery in question for the period 1988 - 1991. CITGO has offered to produce the Asset Purchase Agreement to Plaintiff pursuant to a Confidentiality Agreement. However, Plaintiff has yet to agree to the same.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this contention.

RESPONSE:

CITGO objects to the term “you” and the phrase “Time Period At Issue” for the reasons stated above. CITGO also objects to the phrase “dangerous conditions or activity” as being vague in the context of the request, and argumentative as it assumes the existence of an unreasonably dangerous condition or activity and that the owner/operator of the refinery would necessarily be legally responsible for such a condition, which is denied. CITGO further objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, 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, 10-K 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:

CITGO objects to the term “Time Period At Issue” for the reasons stated above. CITGO also objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. CITGO further objects to the phrase “documentation pertaining to . . .” as being vague in the context of this request. Subject to and without waiving any of its objections, see the response to Request for Production No. 40 above.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff’s latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant 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, 10-K 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:

Although CITGO was not the owner/operator of the refinery during the period 1988 - 1991, it has assumed the legal responsibility for the ownership and operation of the refinery for that period. CITGO is not objecting to the capacity in which it has been sued.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

CITGO objects to this request as overly broad and burdensome in that it is not limited in time, harassing and not reasonably calculated to lead to the discovery of admissible evidence. CITGO also objects to the phrase "other similar documents" as being vague in the context of this request. Subject to and without waiving their objections, responsive documents related to the period of 1988 - 1991 will be produced subject to a Protective Order.

REQUEST FOR PRODUCTION NO. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support your contention.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons stated above. CITGO also objects to the term "asbestos-free" as it is vague and not defined in the context of this request.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blue prints and drawings supporting your contention.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons stated above. CITGO also objects to the term "asbestos-free" as it is vague and not defined in the context of this request.

REQUEST FOR PRODUCTION NO. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE:

CITGO objects to the term "your" and the phrase "asbestos containing products" for the reasons stated above. CITGO also objects to this request as overly broad and burdensome in that it is not limited in time, and the time, expense, and effort required to gather all potentially responsive documents is overly burdensome. CITGO also objects to the word "use" and the phrases "asbestos containing materials" as being vague in the context of this request.

REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE:

CITGO objects to the term "your" for the reason stated above. CITGO also objects to this request as overly broad and burdensome in that it is not limited in time. CITGO also objects to "use" as being vague in the context of this request and argumentative insofar as it assumes that asbestos was "uses," manipulated or handled by anyone other than a licensed asbestos abstraction company, which has yet to be shown. Subject to these objections and without waiving them, as CITGO understands the question, CITGO will make a reasonable search for documents responsive to the request during the period 1988 - 1991 and will produce any documents which are located.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in anyway to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE:

CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as overly broad and burdensome in that it is not limited in time. CITGO also objects to "use" as being vague in the context of this request. CITGO also objects to the phrase "asbestos containing materials" as being vague in the context of this request. Subject to these objections and without waiving them, as CITGO understands the question, CITGO will make a reasonable search for documents responsive to the request during the period 1988 - 1991 and will produce any documents which are located.

REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owner manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE:

CITGO objects to this request as overly broad and burdensome in that it is not limited in time and harassing and not reasonably calculated to lead to the discovery of admissible evidence as there is no evidence that the Plaintiff worked on boilers.

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant's safety program.

RESPONSE:

CITGO objects to the term "you" for the reasons stated above. CITGO also objects to this request as being over broad in that it is not limited in time and not reasonably calculated to lead to the discovery of admissible evidence as it is not limited to asbestos issues. Subject to and without waiving said objections, CITGO will make a reasonable search for documents responsive to the request for the period 1988 - 1991, if any, and discussing asbestos and will produce any non-privileged documents located.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE:

CITGO objects to the term "you" for the reasons stated above. CITGO also objects to this request as being over broad in that it is not limited in time and not reasonably calculated to lead to the discovery of admissible evidence as it is not limited to asbestos issues. Subject to and without waiving these objections, CITGO will make a reasonable search for responsive documents from 1988 - 1991 and discussing asbestos, if any, and will produce any non-privileged documents located.

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

RESPONSE:

CITGO objects to the term "your" for reasons stated above. Subject to and without waiving this objection, both Jim Kucera and Jim Tansey were employed by the refinery during the period 1988 - 1991. Plaintiff's counsel took their depositions and is believed to have copies of the same.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

CITGO objects to the term "you" for the reasons stated above. CITGO also objects to this request as being over broad in that it is not limited in time, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

RESPONSE:

CITGO objects to the phrase "Time Period At Issue" for the reasons set forth above. CITGO further objects to this request as being overly broad, burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence, as most or all of such correspondence, if any, would have no bearing on the issues in this case, and it would be unduly burdensome for CITGO to incur the time and expense of segregating the relevant documents.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

RESPONSE:

CITGO objects to this request as being over broad in that it is not limited in time and it is not limited to the refinery made the subject of your allegations. CITGO objects to the phrase "asbestos-containing products" for the reasons stated above. CITGO also objects to the word "use" as being vague in the context of a refinery operation. Subject to and without waiving these objections, CITGO will make a reasonable search for responsive documents concerning the Corpus Christi refinery and will be produced any documents located.

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

RESPONSE:

CITGO objects to the term "Defendant" for the reasons stated above. CITGO also objects to this request as being over broad in that it is not limited in time. Subject to and without waiving this objection, CITGO will make a reasonable search for responsive documents and will be produced any documents located.

REQUEST FOR PRODUCTION NO.59:

Please produce all inventory, stock-on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE:

CITGO objects to this request as being over broad in that it is not limited in time and it is not limited to the refinery made the subject of your allegations. CITGO also objects to this request as being overly burdensome in that it would cost a large amount of time and expense to attempt to gather this information. CITGO objects to the term "Defendant" and the phrase "asbestos-containing

products” for the reasons stated above. Subject to and without waiving these objections, CITGO will make a reasonable search for responsive documents for the period 1988 - 1991 and will produce any documents located.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE:

None, other than previously provided to Plaintiff's counsel.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

CITGO begins by incorporating its objections to Request for Admission No. 2 as if fully set forth herein. CITGO objects to the term “your” for the reasons stated above. CITGO also objects to this request as overly broad, unduly burdensome, harassing, and outside the scope of discovery because it attempts to force CITGO to marshal its evidence and because the request fails to request production of documents or categories of documents as required by the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 62:

None presented.

REQUEST FOR PRODUCTION NO. 63 [sic]:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

CITGO begins by incorporating its objections to Request for Admission No. 4 as if fully set forth herein. CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as overly broad, unduly burdensome, harassing, and outside the scope of discovery because it attempts to force CITGO to marshal its evidence and because the request fails to request production of documents or categories of documents as required by the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 64 [sic]:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

CITGO begins by incorporating its objections to Request for Admission No. 22 as if fully set forth herein. CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as overly broad, unduly burdensome, harassing, and outside the scope of discovery because it attempts to force CITGO to marshal its evidence and because the request fails to request production of documents or categories of documents as required by the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 65 [sic]:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a

denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

CITGO begins by incorporating its objections to Request for Admission No. 44 as if fully set forth herein. CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as overly broad, unduly burdensome, harassing, and outside the scope of discovery because it attempts to force CITGO to marshal its evidence and because the request fails to request production of documents or categories of documents as required by the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 66[sic]:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE:

CITGO begins by incorporating its objections to Request for Admission No. 45 as if fully set forth herein. CITGO objects to the term "your" for the reasons stated above. CITGO also objects to this request as overly broad, unduly burdensome, harassing, and outside the scope of discovery because it attempts to force CITGO to marshal its evidence and because the request fails to request production of documents or categories of documents as required by the Texas Rules of Civil Procedure.