

FILE NAME: Hercules Chemical (HERC)

DATE: 2014

DOC#: HERC032

DOCUMENT DESCRIPTION: Legal - Defendant Hercules Inc.'s Second Amended Responses and Objections to Plaintiffs' Interrogatories and Requests for Production



CAUSE NO. 2010-03175-ASB  
BEFORE THE ASBESTOS PRE-TRIAL JUDGE

|                                |   |                                    |
|--------------------------------|---|------------------------------------|
| PAUL H. SIEMS and CLARA SIEMS, | § | IN THE DISTRICT COURT OF           |
|                                | § |                                    |
| vs.                            | § | HARRIS COUNTY, TEXAS               |
|                                | § |                                    |
| ZURN INDUSTRIES, LLC, et al.   | § | 11 <sup>TH</sup> JUDICIAL DISTRICT |

*Transferred From:*  
CAUSE NO. 09CV2216

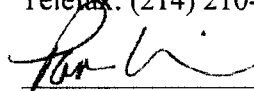
|                                |   |                                     |
|--------------------------------|---|-------------------------------------|
| PAUL H. SIEMS and CLARA SIEMS, | § | IN THE DISTRICT COURT               |
|                                | § |                                     |
| vs.                            | § | GALVESTON COUNTY, TEXAS             |
|                                | § |                                     |
| ZURN INDUSTRIES, LLC, et al.   | § | 122 <sup>ND</sup> JUDICIAL DISTRICT |

**DEFENDANT HERCULES INCORPORATED'S SECOND AMENDED  
RESPONSES AND OBJECTIONS TO PLAINTIFF'S MASTER GENERAL  
INTERROGATORIES AND REQUESTS FOR PRODUCTION  
(APPLICABLE TO ALL DEFENDANTS), PLAINTIFF'S MASTER SPECIFIC  
INTERROGATORIES AND REQUESTS FOR PRODUCTION  
(APPLICABLE TO PRODUCT DEFENDANTS)**

COMES NOW, Defendant Hercules Incorporated ("Defendant"), and files the following Responses and Objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Plaintiff's Master Specific Interrogatories and Request for Production (Applicable to Product Defendants).

Respectfully submitted,

DeHAY & ELLISTON, L.L.P.  
3500 Bank of America Plaza  
901 Main Street  
Dallas, Texas 75202-3736  
Telephone: (214) 210-2400  
Telefax: (214) 210-2500

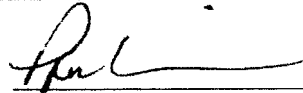


GARY D. ELLISTON  
State Bar No. 06584700  
PAMELA J. WILLIAMS  
State Bar No. 00791936  
LARAMY R. ELICK  
State Bar No. 24076366

**ATTORNEYS FOR DEFENDANT  
HERCULES INCORPORATED**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all known counsel of record via LexisNexis on this the 15<sup>th</sup> day of February, 2014.



Pamela J. Williams

## PRELIMINARY STATEMENT

Defendant ostensibly has been sued as a result of its former ownership of Haveg Industries, Inc. ("Haveg"). Defendant owned Haveg as a wholly-owned subsidiary from 1964 until 1980, when certain assets of Haveg were sold, and its name was changed. Defendant sold the stock of this subsidiary in 1988. Defendant reasonably interprets the Discovery including Disclosures, Requests for Production and Interrogatories as seeking information Defendant may have as to the entity "Haveg Industries, Inc." which made certain asbestos-containing products prior to 1980. Defendant supplies information about Haveg in the context of these lawsuits, to the best of its current information and belief.

The events which are the subject of Plaintiff's discovery requests occurred many years ago. The unavailability of knowledgeable personnel, as well as faded memories of available personnel concerning relevant events, makes it exceedingly difficult to answer Plaintiff's discovery requests. Consequently, the responses are based upon the knowledge, information and belief of Defendant at the time of answering the discovery requests. Information used in answering the Interrogatories and Request for Production was assembled by counsel to Defendant. The information utilized to respond was derived from an ongoing review of records that are or can be made available to Defendant, and information compiled from current operations and personnel of Defendant that may relate to Plaintiff's contentions concerning Defendant.

Because the information sought in Plaintiff's discovery requests relate to events that occurred many years ago, it is difficult, if not impossible, for Defendant to retrieve and reconstruct some of the information requested. Therefore, Defendant reserves the right to amend or supplement these responses if new or more accurate information becomes available, or if errors are discovered. Searches conducted by counsel to date indicate that some documents which might relate or be relevant to the subject of Plaintiff's contentions and allegations concerning Defendant in this litigation may not have been preserved years ago as a result of normal document retention policies of Haveg or have not been located. Defendant is continuing to search in an attempt to locate or affirm the absence of such documents and is also engaged in a continuing search with respect to matters inquired into by this discovery as related to Plaintiff's contentions regarding Defendant.

These responses are given without prejudice to Defendant's rights to provide at trial subsequently discovered information that was inadvertently omitted from these responses as the result of mistake, error or oversight, etc. Further discovery, independent investigation, research and analysis may supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, or variations from the responses herein. All of the following responses are given without prejudice to Defendant's right to produce evidence of any subsequently discovered fact or facts which Defendant may later obtain or recall. Accordingly, Defendant reserves the right to change any and all responses as additional facts are ascertained, analyses are made, and investigation and research is completed.

These responses are made solely for the purpose of the captioned actions. Given the difficulty or impossibility of supplementing or correcting prior disclosures, answers to interrogatories or responses to requests for production in unrelated litigation, Defendant states that these responses contain the most current and best information and hereby supersede any and all prior responses in any and all prior lawsuits, regardless of where and when they were filed, and shall remain so until superseded by any subsequent changes in other lawsuits.

**INTERROGATORY NO. 1:**

When and how did Defendant first learn that inhalation of asbestos fibers can lead to the development of each of the following asbestos-related diseases:

- a. asbestosis,
- b. pleural plaques,
- c. lung cancer,
- d. kidney cancer,
- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma?

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is not limited in time and in scope. In addition, the request is overly broad.

Subject to and without waiving the foregoing objections, Defendant states, that upon information and belief, it is not known when Defendant first obtained knowledge that inhalation of asbestos fibers by humans can lead to the development of the listed asbestos-related diseases. This interrogatory calls for a company-wide search for information received over a fifty-year plus period that ended almost thirty years ago. Knowledge of asbestos grew over a period of time both in the industrial hygiene profession and scientific community. Accordingly, it is impossible, based on available information and personnel, for Defendant to reconstruct the facts necessary to respond to this interrogatory. In answering further, Defendant states that although it is not known when Defendant first obtained knowledge that inhalation of asbestos fibers by humans can lead to the development of the listed asbestos-related diseases, the documents produced to plaintiffs in this case suggest that by 1963, consideration was given to having chest X-rays taken for employees working with asbestos. In answering further, the documents demonstrate that by 1963, Haveg knew that certain exposures to asbestos could cause asbestosis. By the early 1970's, Haveg knew that certain exposures to

asbestos could cause cancer, including mesothelioma. However, Haveg's asbestos-containing products were nonfriable with the asbestos fiber encapsulated in a resin matrix. There have been no epidemiological studies demonstrating a link between any of the above diseases and exposure to any products manufactured by Defendant. Discovery is ongoing and Defendant reserves the right to supplement this response.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things that indicate the time and/or manner in which Defendant learned inhalation of asbestos fibers by humans can lead to the development of the following asbestos-related diseases:

- a. asbestosis,
- b. pleural plaques,
- c. lung cancer,
- d. kidney cancer,
- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. The request is not limited in time and in scope. In addition, the request is overly broad.

Subject to and without waiving the above objections, Defendant states, that upon information and belief, it is not known when Defendant first obtained knowledge that inhalation of asbestos fibers by humans can lead to the development of the listed asbestos-related diseases. This interrogatory calls for a company-wide search for information received over a fifty-year plus period that ended almost thirty years ago. Knowledge of asbestos grew over a period of time both in the industrial hygiene profession and scientific community. Accordingly, it is impossible, based on available information and personnel, for Defendant to reconstruct the facts necessary to respond to this request. In answering further, Defendant states that although it is not known when Defendant first obtained knowledge that inhalation of asbestos fibers by humans can lead to the development of the listed asbestos-related diseases, the documents produced to plaintiffs in this case suggest that by 1963, consideration was given to having chest X-rays taken for employees working with asbestos.

In answering further, see attached documents, Bates No. HERC 00001-05503.

## **INTERROGATORY NO. 2:**

Please list all trade organizations, trade associations, and any other groups to which Defendant belonged in which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published before 1980. This list should include (but is not limited to) any membership in the American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association (or its predecessor, the MCA), American Chemical Council, American Petroleum Institute, Texas Chemical Council, National Safety Council, American National Standards Institute (ANSI), Asbestos Information Association, Industrial Medical Association, American Society of Mechanical Engineers; American Society for Testing and Materials, Chlorine Institute, American Industrial Hygiene Association, National Insulation Manufacturers Association, Asbestos Textile Institute, Society of Automotive Engineers, Society of Petroleum Engineers, ACGIH, American Occupational Medicine Association, American Public Health Association, Friction Materials Standards Institute, Brake Lining Manufacturer's Association, American Medical Association, NIOSH and any state safety organizations. As to each listed group, please state:

- a. the time period when Defendant was a member;
- b. the identity of Defendant's employees, former employees, or representatives who attended any of the meetings held by each listed group, as well as the dates and locations of the meetings they attended;
- c. the identity of Defendant's employees, former employees, or representatives who serve on any committees or subcommittees of any listed group (e.g., a medical advisory committee or legal committee); and
- d. the name of the committee or subcommittee on which such person served and the position occupied on the committee, if applicable.

## **RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. The interrogatory is not limited in time and in scope.

Subject to and without waiving the above objections, Defendant states that to the best of its knowledge and information based upon the documents and personnel available to it as of this time, Haveg was a member of the National Safety Council.

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

Please produce all documents and tangible things containing any information Defendant received before 1980, relating to the hazards of asbestos or nuisance dust in general that was discussed, disseminated, or in any way published by any organization, association, or

group listed in Defendant's response to the Interrogatory immediately above, or by any other trade organization or group.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, none.

**INTERROGATORY NO. 3:**

Please identify each of Defendant's employees, former employees, or representatives who attended any proceeding, symposium, or conference of a scientific, medical, or technical nature, before 1972, during which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published (e.g., the effects of human or non-human exposure to asbestos, populations at risk, etc.). A response to this Interrogatory should include any attendance at the Seventh Saranac Symposium in 1952, the Proceedings of the New York Academy of Sciences in October of 1964, any meetings held by the Exxon Corporation in Houston, Texas, or meetings of any organization listed in Defendant's response to the Interrogatory No. 2. For each person identified in the response to this Interrogatory, please also list the proceeding, symposium, or conference the person attended; provide the date and location of the proceeding, symposium, or conference; provide the identity of the person within Defendant's organization who received or was designated to receive the attending person's report of the information gathered at such proceeding, symposium, or conference; and describe the manner in which such reports were made.

RESPONSE:

Defendant states, that to the best of its knowledge and information based upon the documents and personnel available to it at this time, it is not known whether any Haveg personnel attended such proceedings.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things related to any meeting, attended by any of Defendant's employees, former employees, or representatives, that indicate any discussion, consideration, or information regarding asbestos or nuisance dust in general. This Request for Production specifically seeks, but is not limited to: meeting agendas, minutes, notes or memoranda from any proceeding, symposium or conference listed in Defendant's Response to the preceding Interrogatory, as well as from safety committees, purchasing committees or other groups within Defendant's organization generated before 1972.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, none.

**INTERROGATORY NO. 4:**

Please describe Defendant's medical, safety, and industrial hygiene programs from the Defendant's inception through the current time. Specifically, please state when Defendant first established each of its medical departments, safety departments, and/or industrial hygiene departments. Please also provide the name or designation of each department. For each department identified in the response to this Interrogatory, please identify each person associated with the department, including, but not limited to, the director, manager, physician, nurse, medical personnel, safety engineer, industrial hygienist, safety personnel, and other employees in such department who were employed by Defendant or contracted with Defendant at any time.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope. In addition, the request is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the above objections, Defendant states that to the best of its knowledge and information based upon the documents and personnel available to it at this time, Haveg had medical, safety and industrial hygiene programs and/or departments throughout most, if not all, of its existence.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to Defendant's establishment of the medical, safety, and industrial hygiene departments noted in Defendant's response to the Interrogatory immediately above. This Request for Production specifically seeks, but is not limited to, any policies, procedures or guidelines given to each such department by Defendant's management, and any programs, testing, or other actions taken by each such department regarding the hazards of asbestos or nuisance dust in general.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope. In addition, the request is overly broad and seeks information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the above objections, see attached documents, Bates No. HERC 00001-05503.

**INTERROGATORY NO. 5:**

Has Defendant ever been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections and without waiver of same, Defendant responds that jobsites were under the exclusive control of their owners, or employers or contractors at those jobsites. Defendant believes that those owners, employers or contractors present at jobsites had a legal duty mandated by state and federal governments to inspect and monitor those jobsites, in the manner required by OSHA and other laws, and this Defendant did not have any such legal duty at any time. Defendant has no information as to what testing or monitoring was carried out at unspecified time periods and locations.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things relating to health or safety inspections of Defendant, by local, state or federal regulatory agencies. This Request for Production specifically seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request because it is vague and ambiguous. See: *Texaco v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989); *In re CSX Corporation*, 124 S.W.3d 149; *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *In re CNA Holdings, Inc.*, 2004 WL 1944967 (Tex.App.-Hous. (1 Dist.) Sept. 02, 2004) (NO. 01-03-01271-CV); *Dillard Dept. Stores v. Hall*, 909 S.W.2d 491 (Tex. 1995); *In re Sears, Roebuck and Co.*, 2004 WL 2110878 (Tex.App.-Beaumont Sept. 23, 2004) (NO. 09-04-337 CV, 09-04-338 CV); *In re Reynolds Metals Co.*, 2004 WL 794535 (Tex.App.-Hous. (14 Dist.) Apr. 15, 2004) (NO. 14-04-00001-CV).

**INTERROGATORY NO. 6:**

Please provide Defendant's complete corporate history, including its ownership, sale, acquisition, or divestiture, and any mergers, acquisitions, consolidations, or other similar events involving Defendant at any time during its history.

RESPONSE:

Defendant states it was incorporated in Delaware in 1912, and maintains its principal executive offices at 1313 North Market Street, Wilmington, Delaware 19894. Defendant owned Haveg as a wholly-owned subsidiary from 1964 until 1980, when certain assets of Haveg were sold, and its name was changed to Champlain Cable Corporation. Defendant sold the stock of Champlain Cable Corporation in 1988.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant acquired any business entity which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

RESPONSE:

See attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant was acquired by another entity.

RESPONSE:

See attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to assume tort liabilities of any third party which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

RESPONSE:

See attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to indemnify, defend or hold harmless the tort

liabilities of any third party which manufactured, mined, distributed, supplied or sold asbestos-containing products.

RESPONSE:

See attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant changed its name.

RESPONSE:

None.

**INTERROGATORY NO. 7:**

Where are Defendant's principal places of business in Texas (city and county)? If Defendant contends that none of its locations in Texas are a principal place of business, please identify its place of business in Texas where its highest-level decision makers work. If Defendant claims it has no high-level decision makers in Texas, please identify Defendant's three most significant business locations within Texas.

RESPONSE:

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the above objections, Defendant states that it is not contesting venue and jurisdiction in the captioned cases.

**INTERROGATORY NO. 8:**

Please identify each person who has supplied any information or assisted in locating any documents or tangible things used in answering or responding to all Asbestos Multi-District Litigation discovery, and provide a year-by-year list of all positions or job titles held by each person.

RESPONSE:

Vera Holmes, Senior Counsel

**INTERROGATORY NO. 9:**

When was the first time Defendant became familiar with the concept of a threshold limit value, or TLV, for airborne dust, and how was Defendant first made aware of this concept?

**RESPONSE:**

Defendant states, that upon information and belief, it is not known when Haveg first became familiar with the concept of a threshold limit value, or TLV, for airborne dust and how Haveg first became aware of this concept. Knowledge of asbestos grew over a period of time both in the industrial hygiene profession and scientific community and within Haveg. Accordingly, it is impossible, based on available information and personnel, for Defendant to reconstruct the facts necessary to respond to this interrogatory.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things, received or obtained by Defendant before 1972, that indicate that inhaled asbestos fibers can be hazardous to human or non-human health. This Request for Production specifically seeks, but is not limited to: all responsive books, articles, reports, pamphlets and manufacturer's instructions.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, see attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things relating to the inventories of all Defendant's libraries, research repositories, or other archives that contain magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (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.). This Request for Production specifically seeks, but is not limited to: all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as: Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

RESPONSE:

Defendant states that, to the best information and knowledge, based upon available documents and personnel, none.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant received at any time.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, see attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant published, distributed, or disseminated at any time.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, see attached documents, Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all documents and tangible things, created by any of Defendant's employees, former employees, or representatives at any time, that refer to any documents or tangible things responsive to the Request for Production immediately above.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, none.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Fleischer-Drinker Report.

RESPONSE:

Defendant states that upon information and belief it is not known whether Haveg has or had any such documents or tangible things discussing or referring to the Fleischer-Drinker Report.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Dreessen Report.

RESPONSE:

Defendant states that upon information and belief it is not known whether Haveg has or had any such documents or tangible things discussing or referring to the Dreessen Report.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents and tangible things relating to Defendant's document and record retention (and/or destruction) policies or procedures, including, but not limited to:

- a. any supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that refer to the stoppage, suspension or resumption of responsive policies or procedures; and
- b. policies or procedures regarding documents or records created, maintained, or stored by electronic, digital, optical and/or magnetic means (such as microfilm, microfiche, imaging, scanning, or storage on tapes, disks, CD or DVD-based media, databases, or on any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site).

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. Based upon information and belief, Defendant had a document retention policy during the relevant time period; however, no documents relating to the document retention policies of Haveg have been located.

**REQUEST FOR PRODUCTION NO. 19:**

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

RESPONSE:

Defendant will supplement this response in accordance with the MDL Case Management Order and the Texas Rules of Civil Procedure at such time as Defendant determines which demonstrative aids it plans to use at trial in this matter.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things relating to communications between Defendant and any of its worker's compensation insurance carriers or any other insurance companies, made at any time, regarding asbestos-containing products, the hazards of asbestos or nuisance dust in general and any asbestos-related studies, analyses or testing conducted by any insurance carriers.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and scope.

Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things that indicate Defendant's net worth and/or financial position, including, but not limited to, all "10-K" forms, "10-Q" forms, and annual reports for the last ten (10) years. If Defendant is not a publicly traded entity, please produce Defendant's audited balance sheets, cash flow worksheets, and federal and state tax returns for the last ten (10) years.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. This is not a punitive damages case and plaintiff is not entitled to the information sought.

Subject to and without waiving the above objections, see attached documents, Bates No. HERC 00001-05503. Judge Davidson has previously ruled that the purchase amount of Hercules Incorporated would be reasonable evidence of the net worth of Hercules Incorporated.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce copies of all affidavits, depositions, and trial transcripts of Defendant's employees, former employees, or representatives taken in any matter involving an alleged injury or claimed property damage, incurred at any time, due to asbestos. This Request for Production includes all affidavits, depositions, and trial transcripts of all persons listed by Defendant pursuant to Texas Rule of Civil Procedure 194.2(e) as having knowledge of relevant facts.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. Defendant objects to this request as overly broad and unduly burdensome.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce copies of all affidavits, depositions, and trial transcripts, in the possession of Defendant, of all experts Defendant intends to call at trial.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of Rule 194.2(f) of the Texas Rules of Civil Procedure. Defendant will supplement this response in accordance with the Case Management Order and the Texas Rules of Civil Procedure.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all documents and tangible things related to inventory, stock-on-hand, warehousing, or other storage of asbestos or asbestos-containing products at any location owned, operated, or controlled by Defendant between 1972 and the present day.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope. See Defendant's Preliminary Statement.

Subject to and without waiving the above objections, none.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce all documents and tangible things that indicate Defendant's participation in, or funding of, any research regarding the health effects of asbestos exposure.

**RESPONSE:**

None.

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things indicating any industrial hygiene advice, related to the hazards of asbestos that Defendant received from any insurance carrier at any time.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It is not limited in time and in scope.

Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce the personnel records of all witnesses listed in the disclosures that Defendant made in this case pursuant to Texas Rule of Civil Procedure 194.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. The request seeks information that is not relevant or material and is not reasonably calculated to lead to the discovery of admissible evidence. The request is harassing and violates personal privacy rights of the individuals to the extent that the request violates local, state, federal laws and regulations and the Texas and United States Constitutions.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all reports, writings (whether published or unpublished) and other documents and tangible things that were written, created and/or edited by any expert Defendant plans to call at trial, and that pertain, in any way, to the hazards of asbestos.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of Rule 194.2(f) of the Texas Rules of Civil Procedure. Defendant will supplement this response in accordance with the Case Management Order and the Texas Rules of Civil Procedure prior to any witness's deposition.

**REQUEST FOR PRODUCTION NO. 29:**

Please produce all documents and tangible things Defendant's counsel provided to any of Defendant's expert or fact witnesses as a result of the filing of this case.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery as to fact witnesses and to the extent that the request violates the attorney client privilege and work product doctrine. Subject to the foregoing objections and without waiving same, none at this time. Defendant will supplement this response according to the Case Management Order and the Texas Rules of Civil Procedure.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce all responses to written discovery made by Defendant in all previous or pending asbestos-related lawsuits other than this lawsuit.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. The request is not limited in time, scope, location and product. Furthermore, the request is unduly burdensome, general and overbroad. See: *Texaco v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989); *In re CSX Corporation*, 124 S.W.3d 149; *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *In re CNA Holdings, Inc.*, 2004 WL 1944967 (Tex.App.-Hous. (1 Dist.) Sept. 02, 2004) (NO. 01-03-01271-CV); *Dillard Dept. Stores v. Hall*, 909 S.W.2d 491 (Tex. 1995); *In re Sears, Roebuck and Co.*, 2004 WL 2110878 (Tex.App.-Beaumont Sept. 23, 2004) (NO. 09-04-337 CV, 09-04-338 CV); *In re Reynolds Metals Co.*, 2004 WL 794535 (Tex.App.-Hous. (14 Dist.) Apr. 15, 2004) (NO. 14-04-00001-CV).

**REQUEST FOR PRODUCTION NO. 31:**

If Defendant contends it has not been sued in the proper capacity as set forth in Plaintiff's latest petition, please produce all documents and tangible things that support this contention.

RESPONSE:

Defendant incorporates by reference its response and objections to Interrogatory No. 6 and response and objection to Request for Production No. 6.

**REQUEST FOR PRODUCTION NO. 32:**

Please produce all agreements between Defendant and any manufacturer of asbestos-containing products in which Defendant agreed to act on the manufacturer's behalf in representing, selling, or distributing the manufacturer's products.

RESPONSE:

Defendant states that to the best of its knowledge and information based upon the documents and personnel available to it as of this time, Haveg never rebranded, sold or distributed another's asbestos-containing products.

**INTERROGATORY NO. 10:**

Please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced, researched, sold, distributed, or patented at any time. For each product identified, please provide the following information:

- a. the trade name or brand name of the product mined, manufactured, marketed, produced, researched, sold, distributed, and/or patented;
- b. the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the product's manufacture or sale (if manufactured or sold);
- c. the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- d. the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling, and/or distributing the product;
- e. the date the product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefor;
- f. the date asbestos was removed from the product, if ever, and the reasons for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- h. whether Defendant ever conducted any testing on the product to determine whether it posed any potential hazard to human or non-human health;
- i. the plant or facility where the product was mined, manufactured, produced, or researched;
- j. the foreseeable users of the product (such as insulators, helpers, pipe fitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- k. a description of any warnings that Defendant placed on the product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the product or its packaging where the warning was printed, and when the warning was first placed on the product.

## RESPONSE:

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. The interrogatory seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory because it is vague and ambiguous. It is not limited to information about the alleged products of Haveg that were actually sold to and used at those facilities where the Plaintiff actually worked during the time of any alleged exposure and which are alleged by Plaintiff to have caused them injury or illness. Defendant objects to this interrogatory as overly broad and unduly burdensome, because the request calls for documents received over a fifty-year plus period that ended almost a quarter-century ago.

Defendant never manufactured, sold or distributed any Haveg asbestos-containing products. Without waiving its general or specific objections to this interrogatory, Defendant states that to the best of its knowledge and information based upon the documents and personnel available to it as of this time:

In general, "Haveg" was a material designed for the handling of various corrosive substances including sulfuric, hydrochloric and phosphoric acids and chlorinated solvents and related uses in corrosive environments. It was able to be molded and shaped into various products including for example piping, tanks and fittings for the above applications. While Defendant cannot state with certainty each and every variant of the basic Haveg materials, nor the precise years of manufacture and/or sales, upon information and belief, the following products were manufactured by Haveg Industries, Inc., between the years of at least 1940 to 1979 (unless otherwise indicated), whereupon non-asbestos-containing "Haveg" product lines were sold in 1980:

Haveg 41 consisted of approximately 50%, by weight, of an acid-leached anthophyllite asbestos filler which was completely encapsulated in a phenol formaldehyde resin approximately 50% by weight.

Haveg 60 consisted of approximately 50%, by weight, of an acid-digested anthophyllite asbestos filler which was completely encapsulated in furfuryl alcohol resin approximately 50% by weight.

Haveg 61 (approx 1955-1979) consisted of approximately 50%, by weight, of an acid-digested anthophyllite asbestos filler which was completely encapsulated in a furfuryl alcohol resin approximately 50% by weight.

Haveg 31 consisted of approximately 50%, by weight, of an acid-digested anthophyllite asbestos filler which was completely encapsulated in a modified phenolic resin approximately 50% by weight.

Haveg 4120 consisted of approximately 50%, by weight, of an acid-digested anthophyllite asbestos filler which was completely encapsulated in a modified phenol-

formaldehyde resin, approximately 50% by weight. Defendant does not know the precise years that Haveg 4120 was manufactured and sold, however, no asbestos-containing Haveg products were manufactured or sold after 1980.

Havestos was acid-washed/digested anthophyllite reportedly sold in limited quantities.

Chemtite (approx 1971-1979), originally made by Johns-Manville, consisted of piping and related molded shapes approximately 40%, by weight, of finished crocidolite asbestos paper which was completely embedded in an inert phenolic resin matrix approximately 60% by weight. Chemtite piping systems were designed for conveying corrosives for demanding process operations or conditions. Chemtite was made in two formulations, "PB" and "EB." Haveg purchased the license to manufacture and sell the Chemtite product line from Johns-Manville in 1971 and began manufacturing Chemtite in early 1972, according to company documents.

Haveg formulations were typically formed into customized pipes (in length and diameter) to the purchasers' specifications and ranged from a reddish-brown to a black/gray color on the surface. The intended purpose of Haveg piping was to hold or transport acidic or caustic fluids. These Haveg "grades" were also sold as premixed, viscous cements for joining, repairing and patching Haveg installations and are believed to have the same composition as the rigid products. Old product brochures describe Haveg grades 30, 43, 46, 91 and possibly others. The composition of these grades is not known with certainty but believed to be substantially similar to the grades having the same beginning number, i.e. 60 is similar to 61, 43 is similar to 41. Not all products manufactured and sold by Haveg and bearing the Haveg brand contained asbestos, i.e. "Haveg Cloth" never contained asbestos. Other products incorporated graphite in place of asbestos as a filler, such as Haveg 1810 pipe and other products.

Based on documents and personnel available, Defendant states that, as to Haveg's asbestos-containing products, effective January 17, 1973, all acknowledged copies of purchaser orders or mill orders for Haveg included the following information:

HAVEG PROCESSING EQUIPMENT CONTAINS ASBESTOS ENCAPSULATED IN A BONDING AGENT WHICH PREVENTS THE DISPERSION OF ASBESTOS FIBERS. IF THIS PRODUCT IS MODIFIED, E.G. BY SAWING, GRINDING OR DRILLING, IT IS POSSIBLE THAT AIR BORNE DUST WOULD BE GENERATED. IN THIS REGARD, YOUR ATTENTION IS DIRECTED TO PART 1910 OF TITLE 29 OF THE CODE OF FEDERAL REGULATIONS, SECTION 1910.1001 OF THE OCCUPATION SAFETY AND HEALTH ACT OF 1970, WHICH REGULATION PRESCRIBES METHODS AND PROCEDURES FOR THE PROTECTION OF WORKMEN.

From approximately February, 1977 to January 6, 1979, the above information sheet, typed in red ink, was applied to every Haveg product in the form of a pressure sensitive

label. Records indicate that from March 29, 1974 to November 19, 1979, "warning tags" in 1000 piece lots with the following language were affixed to out-going asbestos-containing Haveg products:

CAUTION  
CONTAINS  
ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS  
DUST MAY CAUSE  
SERIOUS BODILY HARM

Records indicate that from March 29, 1974 to June 10, 1980, pressure sensitive warning labels in 1000 piece lots with the following language were affixed to out-going asbestos-containing Haveg products:

CAUTION  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
BREATHING ASBESTOS DUST  
MAY CAUSE  
SERIOUS BODILY HARM

Material safety data sheets ("MSDS"), which provided similar warnings were also distributed to purchasers as requested or required.

Defendant further states, to the best of its information and knowledge based upon available documents and personnel that Haveg obtained the asbestos for its asbestos-containing product line from a variety of sellers, distributors and/or suppliers including without limitation: North American Asbestos Corporation; Powhattan Mining Company; Oy Partek ( a Finnish Corporation), Hollingsworth & Vose; Mannington; Specialty Materials, Huxley and others.

Defendant further states, to the best of its information and knowledge based upon available documents and personnel, the reasonably foreseeable users were those employees of purchasers who installed, removed or maintained the products at issue.

Defendant has not conducted any testing on its Haveg or Chemtite pipe products after the manufacture of such products. Defendant has performed area sampling in its manufacturing facility which may have been performed in or around areas where Haveg or Chemtite pipe products were being manufactured.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce all documents and tangible things relating to Defendant's mining, manufacture, marketing, production, research, sale, distribution, or patenting of any asbestos-containing product at any time. This Request for Production specifically seeks, but is not limited to: packaging, instructions, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the above objections, Defendant incorporates by reference its response and objections to Interrogatory No. 10. In further response, see attached documents Bates No. 00001-05503.

**INTERROGATORY NO. 11:**

As to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

**RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory because it is vague and ambiguous. It is not limited to information about the alleged products of Haveg that were actually sold to and used at those facilities where the Plaintiff actually worked during the time of any alleged exposure and which are alleged, by Plaintiff to have caused them injury or illness. Defendant objects to this interrogatory as overly broad and unduly burdensome.

Defendant incorporates by reference its response and objections to Request for Production No. 32.

**INTERROGATORY NO. 12:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory because it is vague and ambiguous. It is not limited to information about the alleged products of Haveg that were actually sold to and used at those facilities where the Plaintiff actually worked during the time of any alleged exposure and which are alleged by Plaintiff to have caused them injury or illness. Defendant objects to this interrogatory as overly broad and unduly burdensome, because the request calls for documents received over a fifty-year plus period that ended almost a quarter-century ago.

Without waiving its general or specific objections to this interrogatory, Defendant states, that to the best of its knowledge and information based upon the documents and personnel available to it at this time, yes.

**REQUEST FOR PRODUCTION NO. 34:**

If your response to Interrogatory No. 12 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the above objections, none.

**INTERROGATORY NO. 13:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the foregoing objections, Defendant states that to the best of its knowledge and information based upon the documents and personnel available to it at this time, Haveg's asbestos-containing products were nonfriable with the asbestos fiber encapsulated in a resin matrix, and Defendant's products could be generally utilized without liberating significant (if any) friable asbestos fibers into the air. Any release of fibers would more than likely be encapsulated with resin, and not free asbestos fibers.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the foregoing objections, see attached documents Bates No. HERC 00001-05503. In answering further, please see Defendant's answer to Master General Interrogatory #10 (Applicable to all Defendants).

**INTERROGATORY NO. 14:**

Was it foreseeable to Defendant, at the time each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the above objections, Defendant states, to the best of its information and knowledge based upon available documents and personnel, Haveg's products were designed and intended for a long service life, ease of installation and minimal maintenance. It is believed that, as with virtually all industrial products, at some point in time, installed products might have to be removed or replaced.

**INTERROGATORY NO. 15:**

Before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the job site or premises where the product was allegedly used.

Subject to and without waiving the above objections, Defendant further states, to the best of its information and knowledge based upon available documents and personnel, before 1970, Haveg did not mine, manufacture, market, produce, research, sell, distribute or patent any non-asbestos-containing Haveg products that could have been substituted for asbestos-containing materials.

**INTERROGATORY NO. 16:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when did Defendant become aware of asbestos-free substitutes or alternatives for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the foregoing objections, Defendant states that Haveg started manufacturing non-asbestos pipe in 1978 or early 1979 that could be used as a replacement for its asbestos-containing pipe. Defendant was engaged in an ongoing process over a number of years to develop replacement products able to withstand the corrosive nature of chemicals to be transported through its products. It is impossible, based on available information and personnel, for Defendant to reconstruct the facts necessary to respond to this interrogatory. Discovery is ongoing and Defendant reserves the right to supplement this response.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness of asbestos-free substitutes or alternatives for any product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request because it is vague and ambiguous. Defendant objects to this request as overly broad and unduly burdensome. It is not limited to information about the alleged products of Haveg that were actually sold to and used at those facilities where the Plaintiff actually worked during the time of any alleged exposure and which are alleged by Plaintiff to have caused them injury or illness. Defendant objects to this request as overly broad and unduly burdensome. See: *Texaco v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Loftin v. Martin*, 776 S.W.2d 145,148 (Tex. 1989); *In re CSX Corporation*, 124

S.W.3d 149; In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998); In re CNA Holdings, Inc., 2004 WL 1944967 (Tex.App.-Hous. (1 Dist.) Sept. 02, 2004) (NO. 01-03-01271-CV); Dillard Dept. Stores v. Hall, 909 S.W.2d 491 (Tex 1995); In re Sears, Roebuck and Co., 2004 WL 2110878 (Tex.App.-Beaumont Sept. 23, 2004)

Subject to and without waiving the above objections, Defendant states that Haveg started manufacturing non-asbestos pipe in 1978 or early 1979 that could be used as a replacement for its asbestos-containing pipe. It is not known when Haveg first became aware of asbestos-free substitutes or alternatives for such products. In answering further, Defendant is not in possession, custody or control of documents responsive to this request. Discovery is ongoing and Defendant reserves the right to supplement this response.

#### **REQUEST FOR PRODUCTION NO. 37:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

#### **RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request because it is vague and ambiguous. Defendant objects to this request as overly broad and unduly burdensome. It is not limited to information about the alleged products of Haveg that were actually sold to and used at those facilities where the Plaintiff actually worked during the time of any alleged exposure and which are alleged by Plaintiff to have caused them injury or illness. Defendant objects to this request as overly broad and unduly burdensome. See: *Texaco v. Sanderson*, 898 S.W.2d 813 (Tex. 1995); *Loflin v. Martin*, 776 S.W.2d 145,148 (Tex. 1989); *In re CSX Corporation*, 124 S.W.3d 149; *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998); *In re CNA Holdings, Inc.*, 2004 WL 1944967 (Tex.App.-Hous. (1 Dist.) Sept. 02, 2004) (NO. 01-03-01271-CV); *Dillard Dept. Stores v. Hall*, 909 S.W.2d 491 (Tex 1995); *In re Sears, Roebuck and Co.*, 2004 WL 2110878 (Tex.App.-Beaumont Sept. 23, 2004)

Subject to and without waiving the above objections, Defendant states that Haveg started manufacturing non-asbestos pipe in 1978 or early 1979 that could be used as a replacement for its asbestos-containing pipe. It is not known when Haveg first became aware of asbestos-free substitutes or alternatives for such products. In answering further, Defendant is not in possession, custody or control of documents responsive to this request.

**INTERROGATORY NO. 17:**

If it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos-containing product(s), please identify any such precautions and actions taken by you.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, Defendant further states, to the best of its information and knowledge based upon available documents and personnel, Haveg's asbestos-containing products were nonfriable with the asbestos fiber encapsulated in a resin matrix; were designed and intended for a long service life, ease of installation and minimal maintenance; were designed and intended for purchase by sophisticated industrial customers which were as familiar, if not more familiar than Haveg, with the properties of these products and with the methods of installing, removing and maintaining them safely.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 10.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, Haveg's asbestos-containing products were nonfriable with the asbestos fiber encapsulated in a resin matrix. Therefore, none.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce any and all documents identifying precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos-containing product(s) manufactured, sold, or otherwise distributed by you.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**INTERROGATORY NO. 18:**

As to each and every asbestos-containing product identified in Response to Interrogatory No. 10, please list each and every asbestos fiber supplier to this Defendant.

**RESPONSE:**

Defendant incorporates by reference its response and objections to Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce all documents and tangible things that indicate, in any way, each and every asbestos fiber supplier to this Defendant for any asbestos-containing product identified in response to Interrogatory No. 10.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, discovery is ongoing and Defendant reserves the right to supplement as discovery progresses.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to PRODUCT Defendants)**

**INTERROGATORY NO. 1:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced, researched, sold, distributed, or patented at any time. For each product identified, please provide the following information:

- a. the trade name or brand name of the product mined, manufactured, marketed, produced, researched, sold, distributed, and/or patented;
- b. the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the product's manufacture or sale (if manufactured or sold);
- c. the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- d. the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling, and/or distributing the product;
- e. the date the product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefor;
- f. the date asbestos was removed from the product, if ever, and the reasons for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- h. whether Defendant ever conducted any testing on the product to determine whether it posed any potential hazard to human or non-human health;
- i. the plant or facility where the product was mined, manufactured, produced, or researched;
- j. the foreseeable users of the product (such as insulators, helpers, pipe fitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- k. a description of any warnings that Defendant placed on the product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the product or its packaging where the warning was printed, and when the warning was first placed on the product.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 10.

**REQUEST FOR PRODUCTION NO. 1:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things relating to Defendant's mining, manufacture, marketing, production, research, sale, distribution, or patenting of any asbestos-containing product at any time. This Request for Production specifically seeks, but is not limited to: packaging, instructions, package inserts, warnings, advertisements, and records of safety of health testing for each such product.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 33.

**INTERROGATORY NO. 2:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 11.

**REQUEST FOR PRODUCTION NO. 2:**

If your response to Interrogatory No. 2 is affirmative, please produce the documents showing the terms of said agreement, including:

- a. contracts,

- b. rebranding agreements,
- c. shipping documents which are relevant to the terms of said agreement,
- d. purchase orders which are relevant to the terms of said agreement,
- e. invoices which are relevant to the terms of said agreement,
- f. requisitions which are relevant to the terms of said agreement, or
- g. correspondence which is relevant to the terms of said agreement.

RESPONSE:

Not applicable.

**INTERROGATORY NO. 3:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 12.

**REQUEST FOR PRODUCTION NO. 3:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, if your response to Interrogatory No. 3 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 34.

**INTERROGATORY NO. 4:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 13.

**REQUEST FOR PRODUCTION NO. 4:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Request for Production (Applicable to All Defendants), Request for Production No. 35.

**INTERROGATORY NO. 5:**

Please identify all persons with knowledge of facts relevant to the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member was present, please include a short statement as to the nature of the individual's knowledge as it relates to the subject matter.

RESPONSE:

Discovery is incomplete and Defendant's investigation is continuing. Please refer to Defendant's Expert and Fact Witness Designation. In answering further, Gene Stubblefield and Ken Patterson.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents or tangible things which show the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member were present.

**RESPONSE:**

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, in answering further, Hercules refers to and incorporates herein its response to Plaintiff's Master Specific Interrogatories and Request for Production (Applicable only to Product Defendants), Interrogatory No. 10.

**INTERROGATORY NO. 6:**

Beginning in the year that Defendant first manufactured, marketed, produced, researched, sold, distributed, or patented any asbestos-containing product, and continuing through the present day, please identify each person who has held the position of corporate medical director, corporate safety director, and corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

**RESPONSE:**

Defendant states, to the best of its information and knowledge based upon available documents and personnel, Haveg had a medical department from at least 1968 through 1980. Haveg employed the services of the following individuals as independent contractors to handle the annual physicals of its employees:

1. Dr. T. Baker, Deceased.
2. Roger B. Thomlucky, M.D., last known address, 410 Foulk Road, Wilmington, DE 19803.
3. William F. Renzulli, M.D., last known address, 901 Warburton Road, Elkton, MD, 21921.

4. Joseph F. Kesner, M.D., last known address, S1. Francis Hospital, 7th and Clayton Street, Wilmington, DE, 19805.

In addition to the above doctors, Haveg had a nurse on staff at different times in the Haveg, Marshallton, Delaware facility.

**INTERROGATORY NO. 7:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, was it foreseeable to Defendant, at the time each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 14.

**INTERROGATORY NO. 8:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 15.

**INTERROGATORY NO. 9:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when did Defendant become aware of asbestos-free substitutes or alternatives for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Requests for Production (Applicable to All Defendants), Interrogatory No. 16.

**REQUEST FOR PRODUCTION NO. 6:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness of asbestos-free substitutes or alternatives for any product mined, manufactured, marketed, produced, researched, sold, distributed or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 36.

**REQUEST FOR PRODUCTION NO. 7:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 37.

**REQUEST FOR PRODUCTION NO. 8:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 1.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Request for Production No. 38.

**INTERROGATORY NO. 10:**

Please indicate whether or not there are any documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like document that reflect the distribution of your product to any of the job sites identified by Plaintiffs.

RESPONSE:

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, yes.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce any and all documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like document that reflect the distribution of your product to any of the job sites identified by Plaintiff.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**INTERROGATORY NO. 11:**

If it is your contention that your product was not or could not have been sold, distributed or otherwise present on any job site at which Plaintiffs claim exposure to asbestos, please state the reasons for this contention and the underlying basis for it.

**RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, Mr. Siems identified having worked, on occasion, 75 feet away from others cutting Haveg pipe at the Monsanto Texas City facility from 1967-1976. Defendant will not dispute that there were sales of Haveg pipe to Monsanto Texas City during that time frame.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce any and all documents, including but not limited to, sales records, invoices, billing records, shipping records, and any other type of document that supports your contention that your products were not or could not have been present on job sites at which any Plaintiffs' claim exposure to asbestos.

**RESPONSE:**

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. It seeks information that is not relevant or material, in whole or in part, to Mr. Siems' claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time and in scope, as it is not limited to any product identified by plaintiff, the time period during which plaintiff allegedly worked with or around said product, and the jobsite or premises where the product was allegedly used.

Subject to and without waiving the above objections, in answering further, Hercules refers to and incorporates herein its response to Plaintiff's Master Specific Interrogatories and Request for Production (Applicable only to Product Defendants), Interrogatory No. 10. In answering further, Mr. Siems identified having worked, on occasion, 75 feet away from others cutting Haveg pipe at the Monsanto Texas City facility from 1967-1976. Defendant will not dispute that there were sales of Haveg pipe to Monsanto Texas City during that time frame.

**INTERROGATORY NO. 12:**

If you intend to make the contention at the trial of this case that your products were not or could not have been present on any job sites to which Plaintiff claims exposure to asbestos please identify the individual or individuals who will testify to this contention and the underlying basis for their testimony.

**RESPONSE:**

Defendant incorporates by reference its response and objections to Plaintiff's Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 11.

**INTERROGATORY NO. 13:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, if it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos-containing product(s), please identify any such precautions and actions taken by you.

**RESPONSE:**

Defendant incorporates by reference its response and objections to Plaintiffs Master General. Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 17.

**REQUEST FOR PRODUCTION NO. 11:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce any and all documents identifying to precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**RESPONSE:**

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 39.

**REQUEST FOR PRODUCTION NO. 12:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony,

please produce any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos-containing product(s) manufactured, sold, or otherwise distributed by you.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 40.

**INTERROGATORY NO. 14:**

If it is your contention that the Plaintiff's description of your asbestos-containing product(s) or his/her use of your asbestos-containing product(s) is not a proper description and/or use please state the bases for this contention.

RESPONSE:

Defendant objects to this interrogatory to the extent that it exceeds the scope of permissible discovery. Discovery is incomplete and Defendant's investigation is continuing. In answering further, Mr. Siems identified having worked, on occasion, 75 feet away from others cutting Haveg pipe at the Monsanto Texas City facility from 1967-1976. Defendant will not dispute that there were sales of Haveg pipe to Monsanto Texas City during that time frame.

**REQUEST FOR PRODUCTION NO. 13:**

If it is your contention that Plaintiffs' description of your asbestos-containing product(s) and/or his/her use of your asbestos-containing product(s) are incorrect, please produce any and all documents that support this contention.

RESPONSE:

Defendant objects to this request to the extent that it exceeds the scope of permissible discovery. Subject to and without waiving the above objections, see attached documents Bates No. HERC 00001-05503.

**INTERROGATORY NO. 15:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each and every asbestos-containing product identified in Response to Interrogatory No. 1, please list each and every asbestos fiber supplier to this Defendant.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Request for Production (Applicable to All Defendants), Interrogatory No. 18.

**REQUEST FOR PRODUCTION NO. 14:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, each and every asbestos fiber supplier to this Defendant for any asbestos-containing product identified in response to Interrogatory No. 1.

RESPONSE:

Defendant incorporates by reference its response and objections to Plaintiffs Master General Interrogatories and Requests for Production (Applicable to All Defendants), Request for Production No. 41.