

CAUSE NO. 90G2055**WELDON R. MOAKE, et al.****Plaintiffs,****VS.****OWENS-CORNING FIBERGLAS
CORPORATION, et al.****Defendants.**§
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§**IN THE DISTRICT COURT OF****BRAZORIA COUNTY, TEXAS****239th JUDICIAL DISTRICT**

**DEFENDANT, *SOUTHWESTERN REFINING COMPANY, INC.'S*,
RESPONSE TO PLAINTIFF'S REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

TO: PLAINTIFF, WELDON R. MOAKE, by and through his attorney of record, Elizabeth R. Schick, Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW Southwestern Refining Company, Inc., Defendant in the above-entitled and numbered cause, and pursuant to Rule 196 of the Texas Rules of Civil Procedure, files this, its Response to Plaintiff, Weldon R. Moake's Request for Admission and Further Requests for Production.

Respectfully submitted,

BROWN SIMS, P.C.

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ATTORNEYS FOR DEFENDANT,
SOUTHWESTERN REFINING
COMPANY, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel in accordance with Rules 21 and 21a of the Texas Rules of Civil Procedure, on this 24th day of September, 2001.

Robin A. Howard
Robin A. Howard

GENERAL OBJECTIONS

Defendant makes the following General Objections to Definitions and Instructions ("General Objections") to **Plaintiff's** discovery requests. The General Objections apply to all, or to so many of **Plaintiff's** discovery requests that, for convenience, they are set forth immediately below and are not necessarily repeated after each request to which the objection applies. The assertion of the same, similar, or additional objections in the individual objections to **Plaintiff's** discovery requests, or the failure to assert any additional objection to a specific request, does not waive any of the **Defendant Southwestern Refining company, Inc.'s** General Objections, which are as follows:

1. **Defendant** objects to each discovery request to the extent it is vague, ambiguous, overly broad, unduly burdensome, speculative, harassing, oppressive, compound, cumulative, duplicative and without reasonable limitation in scope as to render it impossible to respond in any intelligible manner or in any amount of time, seeks information or documents accessible to **Plaintiff**, seeks information or documents not within **Defendant's** possession or control and/or is not calculated to lead to the discovery of admissible evidence. To the extent that such discovery is vague, ambiguous, speculative, and overly broad, it requires **Defendant** to speculate as to the information sought.

2. **Defendant** further objects to the discovery requests to the extent the information requested cannot be accurately reduced to the form requested because it derives from the aggregate recollections of **Defendant's** (former and current) employees, agents or representatives, and/or the recollections of others over an extended period of time.

3. **Defendant** objects to the discovery requests to the extent they seek information neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. **Defendant** objects to the discovery requests to the extent they are unlimited in time or not limited to the time relevant to this litigation; i.e., for a reasonable period prior to the Incident and prior to the filing of the instant action; as such, each discovery request is overly broad, burdensome, irrelevant, and not likely to lead to the discovery of admissible evidence.

5. **Defendant** objects to the discovery requests to the extent they seek information protected from disclosure by the attorney-client, attorney work product doctrine, investigative, and party communication privileges.

6. Nothing herein should be construed as an admission by **Defendant** respecting the admissibility or relevance of any fact or document, or the truth or accuracy of any characterization or statement of any kind contained in Plaintiff's discovery requests.

7. **Defendant** objects to **Plaintiff's** discovery requests as they seek to vex, annoy, or harass, and are beyond the scope of discovery permitted under the Texas Rules of Civil Procedure.

8. **Defendant** objects to any attempt by **Plaintiff** to dictate any obligation upon **Defendant** beyond those imposed by the Texas Rules of Civil Procedure.

9. Pursuant to the Texas Rules of Civil Procedure where a response to discovery request may be derived or ascertained from the business records of **Defendant**, and the burden of deriving or ascertaining the answer is substantially the same for the requesting party, **Defendant** will provide copies to the requesting party or afford to them an opportunity to examine such records and to make copies.

10. **Defendant** objects to **Plaintiff's** definitions of: "identify", "document", and "person", as being overly broad, non-specific, unduly burdensome, unlimited in time, and outside the scope of discovery as permissible under the Texas Rules of Civil Procedure.

11. **Defendant** objects to **Plaintiff's** interrogatories as they exceed the number allowable under Texas Rules of Civil Procedure 190.2.

12. Subject to these objections, **Defendant** attaches the following objections and answers to **Plaintiff's** First Request for Admissions.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUESTS FOR ADMISSION AND
FURTHER REQUESTS FOR PRODUCTION**

REQUEST FOR ADMISSION NO. 1:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and non-specific.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 3:

Admit that you have no air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence; and
- b. it is overly broad, vague , and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 4:

Admit that the results of air monitoring for asbestos taken on Defendant's Premises At Issue during the Time Period At Issue indicate Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence; and
- b. it is overly broad, vague , and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 5:

Admit that Defendant's employees were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 6:

Admit that contractors were working with asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.**

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 7:

Admit that Defendant was aware of the presence of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.**

Defendant has objected to this request. However, without waiving said objection, Defendant admits it was aware that asbestos was present in the facility after the facility was acquired by Defendant in 1974. Thereafter, the asbestos was removed and abated.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was aware of the use of asbestos-containing products on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.**

Defendant has objected to this request. However, without waiving said objection, Defendant admits it was aware that asbestos was present in the facility after the facility was acquired by Defendant in 1974. Thereafter, the asbestos was removed and abated.

REQUEST FOR ADMISSION NO. 9:

Admit you did not post warning, caution or hazard signs concerning Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 10:

Admit that you did not post a warning, caution or hazard signs in Spanish concerning asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. **it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.**

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 11:

Admit that you specified that use of asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. **it is overly broad, vague, and unqualified as to time.**

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 12:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1950s.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits that asbestos was present at the facility when defendant acquired an interest in the facility in 1974, and that thereafter, the asbestos was removed or abated. Moreover, Defendant divested itself of its interest in the facility in 1995 and therefore does not have sufficient information to admit or deny this request as it relates to the time period thereafter.

REQUEST FOR ADMISSION NO. 13:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1960s.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits that asbestos was present at the facility when defendant acquired an interest in the facility in 1974, and that thereafter, the asbestos was removed or abated. Moreover, Defendant divested itself of its interest in the facility in 1995 and therefore does not have sufficient information to admit or deny this request as it relates to the time period thereafter.

REQUEST FOR ADMISSION NO. 14:

Admit asbestos-containing materials were in use at Defendant's Premises At Issue in the 1970s.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits that asbestos was present at the facility when defendant acquired an interest in the facility in 1974, and that thereafter, the asbestos was removed or abated. Moreover, Defendant divested itself of its interest in the facility in 1995 and therefore does not have sufficient information to admit or deny this request as it relates to the time period thereafter.

REQUEST FOR ADMISSION NO. 15:

Admit asbestos-containing materials were in use at Defendant's Premises At Issue in the 1980s.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits that asbestos was present at the facility when defendant acquired an interest in the facility in 1974, and that thereafter, the asbestos was removed or abated. Moreover, Defendant divested itself of its interest in the facility in 1995 and therefore does not have sufficient information to admit or deny this request as it relates to the time period thereafter.

REQUEST FOR ADMISSION NO. 16:

Admit that asbestos-containing materials were in use at Defendant's Premises At Issue in the 1990s.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, Defendant admits that asbestos was present at the facility when defendant acquired an interest in the facility in 1974, and that thereafter, the asbestos was removed or abated. Moreover, Defendant divested itself of its

interest in the facility in 1995 and therefore does not have sufficient information to admit or deny this request as it relates to the time period thereafter.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. **it is overly broad, vague, and unqualified as to time;**
- b. **it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence; and**
- c. **it requires the marshaling of evidence.**

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not provide to contractors working at Defendant's Premises At Issue health and safety procedures in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. **it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.**

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not conduct with contractors health and safety meetings relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time;
- b. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence; and
- c. it requires the marshaling of evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not conduct with contractors health and safety meetings in Spanish relating to the use of asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 21:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and non-specific.

Defendant has objected to this request. However, without waiving said objection, Defendant responds Denied.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and non-specific;
- b. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence;
and
- c. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in use at Defendant’s Premises At Issue.

RESPONSE: Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Defendant to admit or deny this request. Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR ADMISSION NO. 23:

Admit that asbestos is still in place at Defendant’s Premises At Issue.

RESPONSE: Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Defendant to admit or deny this request. Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Defendant to admit or deny this request.

REQUEST FOR ADMISSION NO. 25:

Admit that the United States government paid Defendant more than \$10,000 for the work it contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, Defendant responds that although a reasonable inquiry was made, the information known or easily obtainable to the Defendant is insufficient to enable the Defendant to admit or deny this request.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire its interest in the facility until 1974. Further, Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR ADMISSION NO. 27:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire its interest in the facility until 1974. Further, Defendant divested itself of its interest in the facility in question in 1995.

REQUEST FOR ADMISSION NO. 28:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 29:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not to (sic) provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it seeks the discovery of information that is neither relevant to the suit nor reasonably calculated to lead to the discovery of admissible evidence.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, and at this stage of discovery, Defendant cannot admit or deny this request.

REQUEST FOR ADMISSION NO. 38:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire an interest in the facility until 1974.

REQUEST FOR ADMISSION NO. 39:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire an interest in the facility until 1974.

REQUEST FOR ADMISSION NO. 40:

Admit that you communicated with Plaintiff's employer concerning work to be performed on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied as framed. Defendant did not acquire an interest in the facility until 1974.

REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 42:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 43:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 45:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE: Defendant objects to this request on the following grounds:

- a. it requires the marshaling of evidence.

REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer what materials to use when doing the work.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 50:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 53:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 54:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 55:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 56:

Admit that you approved the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.

Defendant has objected to this request. However, without waiving said objection, denied.

REQUEST FOR ADMISSION NO. 57:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request on the following grounds:

- a. it is overly broad, vague, and unqualified as to time.**

Defendant has objected to this request. However, without waiving said objection, denied.