

NO. 2000-2591

JOSE ROSENDO MARTINEZ, SR. AND  
ELENA LOPEZ MARTINEZ

VS.

GAF CORPORATION, ET AL.

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IN THE COUNTY COURT

AT LAW NO. 3

EL PASO COUNTY, TEXAS

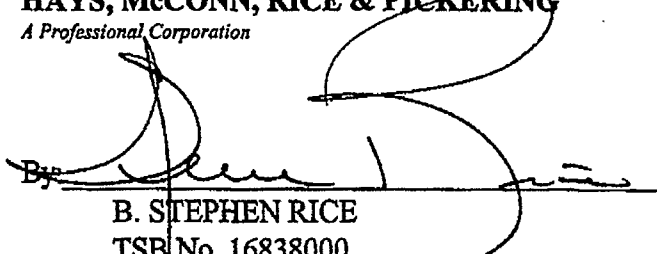
**DEFENDANT TEXACO INC.'S 3/5/01 SUPPLEMENTAL RESPONSE TO**  
**PLAINTIFFS' REQUEST FOR DISCLOSURE**  
**CONCERNING DESIGNATION OF EXPERTS**  
**SUBJECT TO MOTION TO TRANSFER VENUE**

TO: Plaintiffs, by and through their attorneys of record, Nicole Brown Kennedy of Baron & Budd, 3102 Oak Lawn Avenue, Dallas, Texas 75219-4281

Pursuant to TEXAS RULES OF CIVIL PROCEDURE Defendant TEXACO INC. (hereinafter "Defendant") serves the following Supplemental Response to Plaintiffs' Requests for 194.2(f).

Respectfully submitted,

**HAYS, McCONN, RICE & PICKERING**  
*A Professional Corporation*

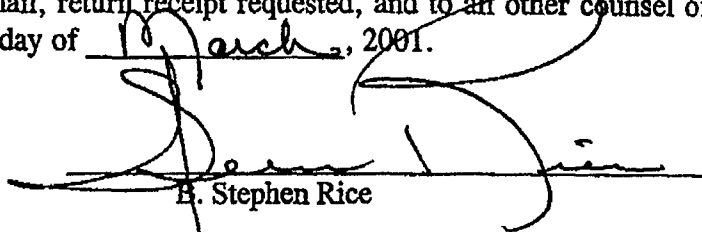
By 

B. STEPHEN RICE  
TSB No. 16838000  
ROBERT E. PURGATORIO  
TSB No. 16399600  
1200 Smith Street, Suite 400  
Houston, Texas 77002  
Telephone: (713) 654-1111  
Facsimile : (713) 655-9212

Attorneys for Defendant TEXACO INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record by regular mail on this 5<sup>th</sup> day of March, 2001.

  
B. Stephen Rice

(f) *for any testifying expert:*

- (1) *the expert's name, address, and telephone number;*
- (2) *the subject matter on which the expert will testify;*
- (3) *the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;*
- (4) *if the expert is retained by, employed by, or otherwise subject to the control of the responding party:*
  - (A) *all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the experts testimony; and*
  - (B) *the expert's current resume and bibliography;*

**RESPONSE:**

This is a supplement to Exhibit "A" previously provided herein.

31. Ronald Richards  
15877 West Laurel Canyon Court  
Surprise, Arizona 85374  
602-546-7811

Mr. Richards is an industrial hygienist who graduated from the University of Pittsburgh Graduate School of Public Health with a Master of Science in industrial hygiene. Mr. Richards began his industrial hygiene career with the State of Pennsylvania, Department of Health in the early 1960s until 1969 when he joined the staff of Texaco Inc. Mr. Richards will testify concerning his experience with the State of Pennsylvania and his evaluation of asbestos exposure in product plants which produced asbestos containing materials. He will testify concerning the judgment among the industrial hygienists during this time period and during his graduate school activities as to the potential hazards of asbestos during the 1960s, and who was perceived to be at risk regarding potential asbestos disease. He will testify based on his knowledge and experience concerning the principles of industrial hygiene and the use of judgment as an important factor in the practice of industrial hygiene. He will testify that the persons perceived to be at risk from asbestos exposure were those who worked in the mining and textile fields, and it was not until the 1970s that individuals in a refinery type of atmosphere were perceived to be at risk for asbestos related disease, and at that time the insulator was the craft perceived to be potentially affected and that it was not until later that other crafts were identified as potentially at risk.

Mr. Richards will testify concerning the industrial hygiene issues at Texaco and the actions taken by Texaco concerning issues related to asbestos. He will testify as to the state of the knowledge concerning asbestos and industrial hygiene as it existed from time to time during his graduate school career and thereafter, beginning in the early 1960s.

Mr. Richards will testify concerning the industrial hygiene program at Texaco and the steps taken to monitor the working environment for asbestos levels and protect workers, and that based upon the results of monitoring that Texaco was in substantial compliance with the TLV and OSHA standards. Mr. Richards will also testify that persons not assigned to insulation jobs would at most have had incidental exposure to asbestos dust and that the time weighted averages for such workers were generally significantly below mandated limits. He will also testify that training for the proper handling of asbestos and asbestos containing products were conducted to ensure protection for employees.

Mr. Richards will also testify that based upon his knowledge and judgment that purchasers and users of asbestos containing insulation materials such as Texaco relied on research by the producers and manufacturers of asbestos containing products as well as the government for informative information on asbestos.

Mr. Richards will also testify concerning the policies that Texaco had regarding contractor employees' work on Texaco's premises. The documents that Mr. Richards has reviewed include the Texaco documents relating to industrial hygiene policies and procedures regarding asbestos at Texaco including many industrial hygiene monitoring reports. He will testify as to the substitution of asbestos-free products as those products became practicable and available for use in the Texaco refineries.

32. David Watts  
Equiva Services  
12700 Northborough Drive  
Houston, TX 77067  
281-874-3830

Mr. Watts is an industrial hygienist who began performing industrial services for Texaco in 1977. He will testify concerning the corporate industrial hygiene program at Texaco. He will testify concerning the levels of exposure found among those monitored at the Texaco facilities. He will testify as to the substitution of asbestos free products as those products became practicable and available for use in the Texaco refineries. Mr. Watts will also testify concerning the role of contractors and the fact that they were to provide their own safety equipment and monitoring of their own employees as required under the OSHA standards. He will testify concerning the requirements of the contractual relations between Texaco and the contractor that required the contractor to comply with applicable rules and regulations including OSHA standards.

**HAYS, McCONN, RICE & PICKERING**

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March 5, 2001

Mr. Hector Enriquez, Jr.  
County Clerk  
El Paso County Courthouse  
500 E. San Antonio Avenue  
El Paso, TX 79901-2496

Re: Cause No. 2000-2591; *Jose Rosendo Martinez, Sr., et ux v. GAF Corporation, et al.*; In the County Court at Law No. 3 of El Paso County, Texas

Dear Mr. Enriquez:

Enclosed for filing in the above-referenced matter please find

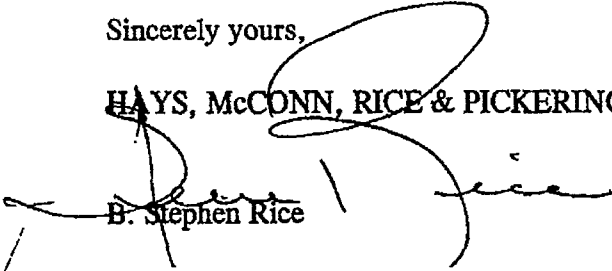
**1. Defendant Texaco Inc.'s Certificate of Written Discovery.**

Please acknowledge receipt and filing of same by placing your file mark on the enclosed copy of this letter and return to the undersigned in the envelope provided.

By copy of this letter, copies of the enclosed instrument have been provided to counsel for Plaintiffs and to all other known counsel of record.

Sincerely yours,

**HAYS, McCONN, RICE & PICKERING**

  
B. Stephen Rice

BSR/kgb  
Enclosures

cc: Nicole Brown Kennedy  
CM/RRR  
(with enclosures)

cc: All other counsel of record  
(with enclosures)

BSR\469292

NO. 2000-2591

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ELENA LOPEZ MARTINEZ

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**DEFENDANT TEXACO INC.'S**  
**CERTIFICATE OF WRITTEN DISCOVERY**

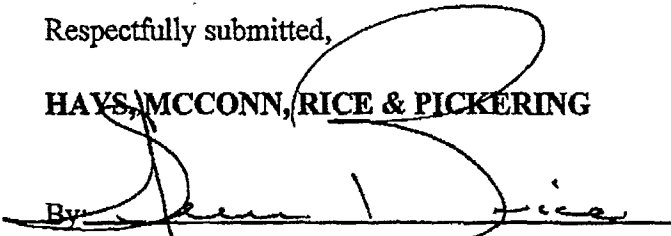
TO THE HONORABLE JUDGE OF SAID COURT:

The undersigned counsel for Defendant TEXACO INC. certifies pursuant to Local Rules that the following has been served upon all counsel of record but has not been filed with the Clerk's office:

- 1) **Defendant Texaco Inc.'s 3/5/01 Supplemental Response to Plaintiffs' Request for Disclosure Concerning Designation of Experts Subject to Motion to Transfer Venue.**

Respectfully submitted,

**HAYS, MCCONN, RICE & PICKERING**

By: 

**B. STEPHEN RICE**

State Bar No. 16838000

1200 Smith Street, Suite 400

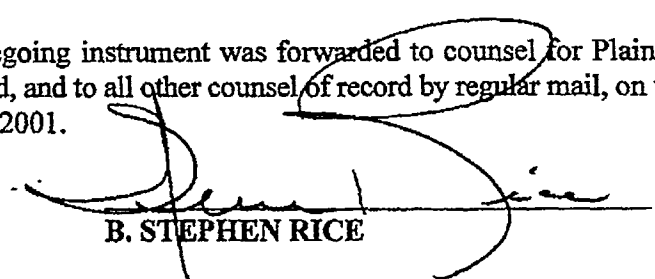
Houston, Texas 77002

(713) 654-1111/(713) 655-9212-FAX

Attorneys for Defendant, TEXACO INC.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing instrument was forwarded to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record by regular mail, on this the 5<sup>th</sup> day of March 2001.

  
**B. STEPHEN RICE**