

CAUSE NO. 97-07333

KERMIT DAVID BAKER and
BARBARA N. BAKER

VS.

OWENS CORNING, ET AL

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IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

116TH JUDICIAL DISTRICT

**THE EXXON CORPORATION'S RESPONSE
TO PLAINTIFFS' (SECOND) REQUEST FOR DISCLOSURE**

TO: Plaintiff, Kermit David Baker, et al by and through their attorney of record, Ms. Stephanie Finch, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW, THE EXXON CORPORATION, one of the Defendants in the above styled cause, and pursuant to Rule 194.3 of the Texas Rules of Civil Procedure, files the following Response to Plaintiffs' Request for Disclosure.

Respectfully submitted,

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

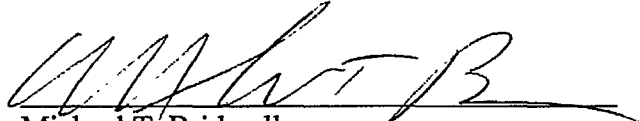
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ATTORNEYS FOR DEFENDANT,
THE EXXON CORPORATION

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of The Exxon Corporation's Response to Plaintiffs' Request for Disclosure has been furnished to counsel for plaintiff, by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this 19th day of July, 2000.



Michael T. Bridwell

REQUESTS FOR DISCLOSURE

This Defendant has already responded to a Disclosure Request by Plaintiff. From that response and all supplements thereto are incorporated herein by reference the same, as if fully set forth at length.

194.2(a) The correct names of the parties to the lawsuit.

RESPONSE: The Exxon Corporation.

194.2(b) The name, address, and telephone number of any potential parties.

RESPONSE: We know of no other potential parties that defendant may see to

194.2(c) The legal theories and, in general, the factual basis of the responding parties claims or defenses.

RESPONSE: Generally, this Defendant denies the allegations as to liability and damages. The Defendant denies that it was negligent and may assert a state-of-the-art defense. Other possible defenses include statute of limitations, contributory negligence, and the fault of third parties over whom this Defendant has no control. As discovery progresses, Defendant will supplement this response as required by the rules.

Defendant denies that Plaintiffs were exposed to asbestos containing product on any premises owned or operated by this Defendant or to any product which emanated from any premises owned or operated by this Defendant. Defendant denies that any dangerous condition existed at its facilities at any time Plaintiffs may have been present as a business invitee. Defendant denies that it was negligent or grossly negligent or that its actions were a proximate cause of any injury or illness to Plaintiffs. Defendant did not breach any duty owed to Plaintiffs, given the applicable state of the art, nor did Defendant proceed with conscious indifference to the safety of Plaintiffs with subjective awareness of any extreme degree of risk considering the probability and magnitude of the potential harm to Plaintiffs. Defendant denies that the Plaintiffs have been damaged as alleged and denies that Plaintiffs' illness was caused by asbestos exposure. Defendant denies having supplied material or products which were defective. In the alternative, Defendant contends that any illness of Plaintiffs was the result of exposure to products or actions of companies over whom this In the alternative, Defendant contends that any illness of Plaintiffs was the result of exposure to products or actions of companies over whom this Defendant had no control, including asbestos product manufacturers, cigarette manufacturers, and contractors.

Defendant denies participation in any civil conspiracy to withhold knowledge of effects of asbestos exposure from workers. Defendant denies that it acted in any way to aide, abet, encourage or induce any other Defendant to commit any negligent or fraudulent act.

Please refer also to Defendant's pleadings on file which are incorporated herein. Defendant reserves the right to amend, supplement or modify its theories as warranted by future discovery.

194.2(d) The amount and any method of calculating economic damages.

RESPONSE: Defendant is unaware of how the Plaintiff is calculating his economic damages and therefore it is unknown whether this Defendant will agree or disagree with such calculation.

194.2(e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified persons connection with the case.

RESPONSE:

1. **Barbara N. Baker
4908 Big Bend
Wichita Falls, Texas 76310**

Ms. Baker is the wife of Plaintiff.

2. **David Gary Baker
4911 Andrea
Wichita Falls, Texas 76302
(817) 766-6133**

Mr. Baker is the son of Plaintiff.

3. **Donavan Scott Baker
2422 Bryan Glen
Wichita Falls, Texas 76308
(817) 692-8867**

Mr. Baker is the son of Plaintiff.

4. **Dr. Melvin Horaney
2310 Ellingham
Wichita Falls, Texas 76305
(940) 766-3551**

Dr. Horaney is a medical doctor specializing in family practice medicine. Dr. Horaney may testify regarding Plaintiff's general health condition and his treatment of Kermit Baker.

- 5. Dr. Michael Ozier
501 Midwestern Pkwy E.
Wichita Falls, Texas 76307
(940) 768-3551**

Dr. Ozier is a medical doctor specializing in family practice medicine. Dr. Ozier may testify regarding Plaintiff's general health condition and his treatment of Kermit Baker.

- 6. Dr. Stephen Farmer
501 Midwestern Pkwy E.
Wichita Falls, Texas 76307
(940) 766-8867**

Dr. Farmer is a medical doctor specializing in neurology. Dr. Farmer may testify regarding Plaintiff's health condition and his treatment of Kermit Baker.

- 7. Dr. Richard C. Tannen
8 Medical Parkway, Suite 201
Dallas, Texas 75234
(972) 243-8363**

Dr. Tannen is a medical doctor specializing in pulmonary medical. Dr. Tannen may testify regarding his examination of Kermit Baker and the diagnostic criteria used to diagnose asbestos-related diseases; his opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions.

- 8. Any and all other physicians at Bethania Regional Health Care Center
a/k/a Clinics of North Texas
1600 11th Street
Wichita Falls, Texas 76301**

- 9. Any and all other physicians and treating staff at:
The University of Texas - M.D. Anderson Cancer Center
Galveston, Texas**

- 10. Dr. Ted Alexander
501 Midwestern Pkwy E.
Wichita Falls, Texas 76307
(940) 766-6329**

Dr. Alexander is a medical doctor specializing in family practice medicine. Dr. Alexander may testify regarding Plaintiff's general health condition and his treatment of Kermit Baker.

- 11. Dr. John Dryden
1630 11th Street
Wichita Falls, Texas 76301
(940) 723-8195**

Dr. Dryden is a medical doctor specializing in urology. Dr. Dryden may testify regarding Plaintiff's general health condition and his treatment of Kermit Baker.

- 12. Dr. Anthony Armada
2307 Clarinda Avenue
Wichita Falls, Texas 76308**

Dr. Armada is a medical doctor specializing in radiology. Dr. Armada may testify regarding Plaintiff's general health condition and his treatment of Kermit Baker.

- 13. Dr. B. Mackay
M.D. Anderson Hospital
1515 Holcombe Boulevard
Houston, Texas 77030
(713) 794-5625**

Dr. Mackay is a medical doctor specializing in pathology. Dr. Mackay may testify regarding Plaintiff's stomach cancer, his treatment, and his prognosis of Mr. Baker.

- 14. Dr. Elviro Silva
1515 Holcombe Boulevard
Houston, Texas 77030
(713) 794-5625**

Dr. Silva is a medical doctor specializing in pathology. Dr. Mackay may testify regarding Plaintiff's pancreatic cancer, his treatment, and his prognosis of Mr. Baker.

Defendant reserves the right to call the following witnesses designated by Plaintiffs, as follows:

- 15. Wendell Earl Brown
5010 Branch Hollow Drive
Garland, Texas 75043
(972) 240-0567**

Mr. Brown is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 16. Woodrow Evans, Jr.
501 Clear Springs Road
Texarkana, Texas 75501
(903) 832-4355**

Mr. Evans is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 17. Clarence Moyers
1520 East 8th Avenue
Amarillo, Texas 79102
(806) 376-7010**

Mr. Moyers is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 18. Jimmy White
410 Second Avenue
Strong, Arkansas 71765
(870) 797-2630**

Mr. White is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 19. Clyde Burson
Address Unknown**

Mr. Burson is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 20. Vernon Nicholson
Address Unknown**

Mr. Nicholson is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

- 21. Harvel Hendrix
Address Unknown**

Mr. Hendrix is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

22. Fred Funk
Address Unknown

Mr. Funk is a co-worker of Plaintiff and may testify as to the products plaintiff used and the location these products were used.

23. James Hammond - By Deposition and/or Trial Testimony
Russell Allen, et al vs. American Petrofina, Inc., et al; In the 60th Judicial District Court of Jefferson County, Texas; Cause No. B-126,986; Vols. 1-5; July 5-11, 1990

Lorraine Peggy Williams vs. McDarty Corporation, No. 39, 404 trial testimony, January 10, 1992; Iberville Parish, Louisiana

24. Ralph Howe - By Deposition
Morris Emery, et al vs. Owens-Corning; No. 57,137, Ascension Parish, Louisiana; August 12, 1998

25. Neill K. Weaver, M.D. - By Deposition
Cornelia Estave, et al vs. Owens-Corning, et al; C.A. No. 90-905(a); U.S. District Court Middle District of Louisiana; August 20, 1993

194.2(f) For any testifying expert:

1. the experts name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the experts mental impressions and opinions and a brief summary of the bases 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; and
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 expert's testimony; and
 - (B) the expert's current resume and bibliography.

RESPONSE:

Refer to Defendant's Designation of Expert Witnesses filed in re: All Asbestos-Related Personal Injury or Death Cases which is incorporated herein referenced the same as if fully set forth at length. In addition:

**Dr. Scott G. Donaldson
North.-Texas Pulmonary Associates
375 Municipal Drive, Suite 140
Richardson, Texas 75080
(972) 680-0666**

Dr. Donaldson is a specialists in the area of respiratory diseases. Dr. Donaldson may testify as to all matters pertaining to his examination of plaintiff and/or review of plaintiff's medical records, x-rays, and reports and supplemental reports of plaintiffs' experts; any communications with plaintiff or plaintiff's family members; the diagnostic criteria used to diagnose asbestos-related diseases; his opinions as to whether plaintiff suffers from asbestos-related disease and the basis of such opinions; the Plaintiff's current medical condition and his prognosis thereof; the anatomy and function of the respiratory and circulatory systems; the natures of asbestos; the symptomology, disease process and diagnosis of asbestosis and cancer associated with the respiratory system, peritoneum and peritoneal cavity; the nature and extent of medical and scientific knowledge regarding any association of pulmonary disease with asbestos exposure; the affect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system; methods of diagnosis of various diseases, especially the means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases; incidence of lung cancer among individuals with asbestosis as compared to non-asbestotic asbestos workers and to the general smoking to cancer of the lung and cancers of other body parts with reference to epidemiology studies and physiologic affect; the difference between impairment and disability; the effect of asbestosis on disability and life expectancy; and the lack of relationship between the presence of pleural plaques and a later development of any form of cancer. See Dr. Donaldson's report and CV which has previously been provided. Additional copy is available upon request.

194.2(g) Any discoverable indemnity and insuring agreements.

RESPONSE: If any indemnity agreements are located, they will be provided. Exxon is self insured for purposes of this case.

194.2(h) Any discoverable settlement agreements.

RESPONSE: None to our knowledge.

194.2(i) Any discoverable witness statements.

RESPONSE: None to our knowledge.

194.2(j) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills

RESPONSE: This request is not applicable to this defendant.

194.2(k) In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE: None at this time.