

CAUSE NO. 19114*BH02

TOMMY WAYNE WEEKS, ET AL	§	IN THE DISTRICT COURT OF
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
CROWN CORK AND SEAL, ET AL	§	23 RD JUDICIAL DISTRICT

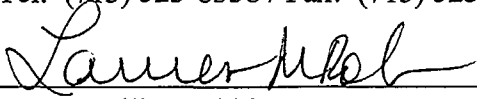
**DEFENDANT, UNITED STATES STEEL CORPORATION'S OBJECTIONS AND
SUPPLEMENTAL AND AMENDED RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, FIRST REQUESTS FOR PRODUCTION AND FIRST REQUESTS
FOR ADMISSIONS, SUBJECT TO PREVIOUSLY FILED MOTION TO TRANSFER
VENUE AND MOTION TO SEVER**

TO: Jamie Pena, by and through his attorneys of record, Monty Sullivan, Baron & Budd, The Centrum,
Suite 1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219.

COMES NOW, UNITED STATES STEEL CORPORATION, Defendant in the above-styled
and numbered cause of action, and pursuant to the Texas Rules of Civil Procedure, file the attached
Objections and Responses to Plaintiff's Interrogatories, Requests for Production and Requests for
Admissions, subject to its previously filed Motion to Transfer Venue and Motion to Sever.

Respectfully submitted,
MUNISTERI, SPROTT, RIGBY, NEWSOM
& ROBBINS, P.C.
3323 Richmond Avenue, Suite A
Houston, Texas 77098
Tel: (713) 523-8338 / Fax: (713) 523-4501

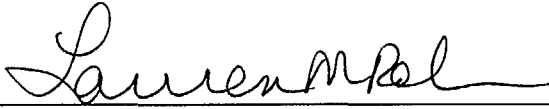
By:


Lauren Miller Robbins
SBN 00785325

ATTORNEYS FOR UNITED STATES STEEL CORP.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **DEFENDANT, UNITED STATES STEEL CORPORATION'S OBJECTIONS AND SUPPLEMENTAL AND AMENDED RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSIONS, SUBJECT TO PREVIOUSLY FILED MOTION TO TRANSFER VENUE AND MOTION TO SEVER**, was forwarded to Plaintiffs' Counsel via telefacsimile and to all other counsel by regular mail on this 14TH day of November, 2002.



LAUREN M. ROBBINS

OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1.

Defendant objects to the definition which describes the meaning of the word "Defendant" "You", "Your" and "Your Company". The definition is vague, overly broad and unduly burdensome as it would require a response on behalf of persons or entities who are not parties to this action and for whom this Defendant would have no liability.

2.

Defendant objects to the definition which describes the meaning of the word "document". This definition is overly broad and unduly burdensome. It would require Defendant to produce documents "formerly in the possession, custody or control of the Defendant" as well as documents that are in the possession of third parties over which the Defendant has no control. This definition is beyond the scope and requirements of the Texas Rules of Civil Procedure.

3.

Defendant objects to the definition which describes the meaning of the word "Person" or "Persons". The definition is vague, overly broad and unduly burdensome as it would require a response on behalf of persons or entities who are not parties to this action and for whom this Defendant would have no liability.

4.

Defendant objects to the definition which describes the meaning of the word "meeting" or "meetings". The definition is vague, overly broad and unduly burdensome.

5.

Defendant objects to the definition of the terms "product containing asbestos fibers", "asbestos-containing products", and "asbestos products" insofar as said words or phrases would require Defendant to respond or provide information other than for the particular products to which each Plaintiff contends he was exposed and which are made the basis of the claims raised herein. Asbestos can be contained in many other products to which Plaintiff was not exposed, which were not routinely used by or installed by the Plaintiff, or are incapable of creating a volume or concentration of asbestos fibers. The inclusion of other asbestos products would subject Defendant to unreasonably burdensome and oppressive discovery. Furthermore, such terms are vague and overly broad in that they are not limited to the products used by Plaintiff or to which he claims exposure at the Defendant's premises and area of this Defendant's facility at issue and the terms are not limited to the scope of relevant evidence and are not reasonably calculated to lead to the discovery of admissible information. See, *In re American Optical Corporation*, 988 S. W.

2d 711 (Tex. 1998).

6.

Defendant objects to the terms “trade organization” and “trade association” as vague, overly broad, unduly burdensome and not calculated to lead to the discovery of admissible information.

7.

Defendant objects to the term “plant” and “facility” as vague, overly broad, unduly burdensome and not calculated to lead to the discovery of admissible information to the extent that it is not limited to the facility of this Defendant at issue. Defendant further objects to these terms as irrelevant and not calculated to lead to the discovery of admissible information as no facility of United States Steel Corporation, or for which United States Steel Corporation would have liability, has been identified.

8.

Defendant objects to the term “industrial hygiene surveys” as vague, overly broad, unduly burdensome and not calculated to lead to the discovery of admissible information to the extent the term is not limited to this Defendant’s facility at issue, nor to the area of the facility at issue in which Plaintiff(s)/Decedent claims exposure, nor to the products at issue to which Plaintiff(s)/Decedent claims exposure.

9.

Defendant objects to the terms “potential health hazards” and “health hazards” as overly broad, unduly burdensome and not calculated to lead to the discovery of admissible information to the extent the terms are not limited to the disease category at issue.

10.

Defendant objects to the terms “test” and “testing” as vague, overly broad, unduly burdensome and not calculated to lead to the discovery of admissible information to the extent the term is not limited to the area of the facility at issue and to the products at issue and to the Plaintiff.

GENERAL STATEMENT AND OBJECTIONS

All answers and responses are given in good faith based upon the information currently available. U. S. Steel was founded over 100 years ago. At one time, the company employed 340,000 people. Today, it employs about 19,000 people. Most of the company's operations were sold or closed years ago. U. S. Steel's current managers have limited amounts of historical information. The discovery as stated requests information and documents going back many years. U.S. Steel has found it difficult, if not impossible, to reconstruct or retrieve much of the information requested. Accordingly, the answers given are based on facts presently known, or believed to be known by U.S. Steel at the time of its answer. These answers and responses are based upon information found through extensive searches of records believed likely to contain relevant information. The documents and answers presented are based upon the best available knowledge acquired from a wide selection of current and former U.S. Steel employees. Other information or knowledge may have been known at one point in time to some of the many hundreds of thousands of former U.S. Steel employees. Records may exist which have not been located. Any omissions of such information are unintentional. To the extent, therefore, that information is requested that would require the interviewing of all of the hundreds of thousands of former U.S. Steel employees or the review of every document of any type in the possession or under the control of U.S. Steel, objection is hereby made to such requests as being unreasonably burdensome, over broad and irrelevant. U.S. Steel specifically reserves the right to amend these answers if new or more complete information becomes available or if inadvertent errors are discovered.

U.S. Steel objects to these interrogatories and requests to the extent they call for information or documents that relate to any facility or operation other than U.S. Steel's Gary Works.

U.S. Steel objects to the interrogatories and requests to the extent they seek information or documents from its present or former attorneys that is privileged or work product.

To the extent that any interrogatory or request calls for information: a) protected by the attorney-client privilege; b) developed in anticipation of litigation; c) relating to the mental impressions, conclusions, opinions or legal theories of U.S. Steel's attorneys, U.S. Steel claims such privilege or immunity and objects to the request and/or interrogatory.

U.S. Steel expressly reserves all objections to the confidentiality, admissibility, authenticity or relevancy of any documents produced or information provided.

U.S. Steel has produced documents, subject to its objections, and has identified which

requests the documents are responsive to, based upon its interpretation of the requests. However, there could be additional requests which the documents are responsive to that have not been identified by Defendant.

These general objections shall be deemed to be made in response to each and every interrogatory and request, and the following responses are made subject to and without waiving the general objections.

OBJECTIONS AND ANSWERS TO INTERROGATORIES

INTERROGATORY NO.1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER: Defendant objects to this Interrogatory as overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence and to the extent that it goes beyond the Texas Rules of Civil Procedure. Subject to the objection, Defendant states that the information used in answering these interrogatories was obtained from a multitude of sources, including former employees and/or documents, and was compiled by Munisteri, Sprott, Rigby, Newsom & Robbins, 3323 Richmond Avenue, Suite A, Houston, Texas 77098 and Baughman & Associates, 55 Public Square, Suite 2215, Cleveland, Ohio 44113 under the direction of United States Steel Corporation.

INTERROGATORY NO.2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract

- a. asbestosis
- b. lung cancer
- c. mesothelioma

ANSWER: Defendant objects to this Interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the time period, products or disease category at issue in this litigation and is not calculated to lead to the discovery of admissible evidence as it is not limited in scope to issues relevant to the Plaintiff's claims. Subject to its objections, U.S. Steel responds that it is difficult to pinpoint an exact date or exactly how U.S. Steel learned of asbestos diseases and their causes. U.S. Steel was aware of discussions concerning the need to monitor all excessive dust levels in the middle to late 1930's. U.S. Steel's awareness of the potential dangers associated with different exposure and forms of asbestos and other dusts developed gradually and incrementally over the years, as did the general public's awareness of such dangers. U.S. Steel was aware of the publication in the mid-1960s of Irving Selikoff's views on the potential dangers associated with asbestos exposure, and, in 1972, of OSHA promulgated regulations regarding safe exposure

levels. U.S. Steel was aware of the publication in the mid-1960's of Dr. Irving Selikoff's views on the potential dangers associated with certain types of asbestos exposures, including the occurrence of mesothelioma.

INTERROGATORY NO.3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed) (specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Council, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (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). As to each such group, please state:

- a. the inclusive dates of your membership and
- b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
- c. the meetings they attended, and
- d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

ANSWER: Defendant objects as the interrogatory is not limited to a time period at issue and the information sought is equally available to Plaintiff. Moreover, it fails to specify all organizations inquired about and is, therefore, vague and unduly burdensome. Defendant further objects as the request is argumentative and assumes facts not in evidence to the extent that it assumes that asbestos and effects of exposure were discussed, disseminated or published by the trade organizations and associations listed. Subject to the forgoing objections, and without waiving the same:

American Petroleum Institute (1948-1982)

American Industrial Hygiene Association (1950-present)

National Safety Council (1932-present)

Chemical Manufacturers Association (1954-1986)

Industrial Hygiene Foundation and/or Industrial Health Foundation (1935-1977, 1980-1981, 1984-1986)

American Refractories Institute (1983, 1986, 1987, 1989, 1993, 1996, 1997)

Association of American Railroads

American Iron Ore Association (1991-1995)

American Chemical Society (1925-1940, 1953, 1955, 1956, 1965, 1970 and 1993-1995)

National Electric Manufacturers' Association (1966-1973)

American Iron and Steel Institute

U.S. Steel may have been a member of the National Lime Association, Electrochemical Society, American Institute of Mining and Metallurgical Engineers, American Society of Metals and other organizations which it cannot presently identify due to the passage of time and the downsizing of the company.

U.S. Steel has located documents indicating that it had representatives on the Industrial Hygiene Foundation's Board of Trustees in 1942, 1964, during the 1970's, 1982, 1985 and 1986. Representatives served on the chemistry committee in 1981 and 1985; on the engineering committee in 1981; the medical committee in 1981 and the curriculum committee in 1986. Unknown at this time as to the National Safety Council and the American Refractories Institute. Rufus E. Zimmerman served as Vice President of U.S. Steel's Research and Technology Department. Based upon the limited documentation available to U.S. Steel, Mr. Zimmerman was a member of the following associations: Metallurgical Advisory Board of the Carnegie Institute, the Corporation Massachusetts Institute of Technology and the Advisory Board Princeton Engineering Association. He also served as the President of the American Standards Association and was a member of the following trade associations: American Iron and Steel Institute, American Chemical Society, the Electrochemical Society, American Institute of Mining and Metallurgical Engineers, and the American Society of Metals.

Corporate and some plant industrial hygiene and safety personnel attended the National Safety Congress since at least 1964. Corporate and some industrial hygiene personnel attended the annual conference of the American Industrial Hygiene Association since at least 1964. Some U.S. Steel certified industrial hygienists have attended the American Academy of Industrial Hygiene Professional Conference since the late 1960's and 1970's.

Dr. Merle Bundy was the Chairman of the Committee on Industrial Health of the American Iron & Steel Institute in 1958. Dr. Philip X. Masciantonio was a representative on behalf of U.S. Steel while serving on the Industrial Health Foundation's Board of Trustees from approximately 1980-81. Dr. Joseph J. Schwerha served on the Industrial Health Foundation Board of Trustees in 1986. Dr. Daniel Braun served on the Medical Committee and Alda Sica, R.N. and Helen Kunzler, R.N., served on the Nursing Committee.

Dr. Bundy was also a member of the Industrial Medical Association and was a past president of

that organization.

Presumably, U.S. Steel representatives have attended a vast number of meetings, seminars, conferences, symposiums or similar gatherings over the course of U.S. Steel's existence. Other employees of U.S. Steel most likely served as officers, directors or officials of other trade organizations meetings but they cannot presently be identified due to the passage of time and the downsizing of the company.

INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, 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) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER: Defendant objects as the interrogatory seeks information which is equally available to Plaintiff and to the extent that it is vague and overly broad and fails to specify all proceedings or symposia about which it inquires. Subject to the forgoing objections and without waiving the same: Defendant has not located any documents for the 1852 Seventh Saranac Symposium or the 1964 New York Academy of Sciences that would be responsive to this request.

INTERROGATORY NO.5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

- a. a description of each asbestos-containing product acquired and
- b. the dates each asbestos-containing product was acquired.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any. U. S. Steel's Gary Works is almost 100 years old and is the largest

integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. This request purports to require Defendant to respond for this entire facility. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure.

INTERROGATORY NO.6:

If any asbestos-containing materials located or formerly located at Defendant's Premises At Issue have been removed, encapsulated, or otherwise abated at any time,

- a. Identify each person or company that performed such abatement services;
- b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
- c. Describe what asbestos-containing materials were abated
- d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. It is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any. The request purports to seek information for the entire Gary Works facility, which is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the specific area of the Gary Works in which he claims exposure.

INTERROGATORY NO.7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff

was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Further, this interrogatory is improper and beyond the scope of discovery allowed by the Texas Rules of Civil Procedure as it inquires into matters which are the subject of Plaintiff's Requests for Disclosure and seeks information beyond what is required by the Texas Rules of Civil Procedure. Subject to and without waiving its objections, see Defendant's Response to Request for Disclosure.

INTERROGATORY NO.8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

- a. entering into contracts or purchase orders (including specifications) with such contractors
- b. allowing such contractors access to Defendant's Premises At Issue,
- c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
- d. providing or approving asbestos-containing materials to be used by such contractors
- e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to the request to the extent that it seeks information on employees, contractors and invitees not at issue

in this litigation and to the extent that it assumes that workers were exposed to asbestos or in sufficient quantity and quality to have caused harm. Subject to the forgoing objections, employees of J.M. Foster were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. There is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

INTERROGATORY NO.9:

If you have or have had an industrial hygiene or safety or medical department, please

- a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and
- b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant.)

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. This request is unduly burdensome and overbroad in that it purports to seek identification of numerous people, regardless of any relevance to the claim. Many records which may have contained the information sought by this interrogatory no longer exist or have been scattered or stored in a manner which makes them difficult to locate. Many of the employees who had knowledge of the

information sought by this interrogatory are deceased or retired and no longer under the control of U. S. Steel. U. S. Steel has exercised due diligence to locate, reconstruct and retrieve all of the existing information requested by this interrogatory. Subject to the objection, U.S. Steel states that throughout its entire existence as a corporation, U. S. Steel has employed countless physicians. For example, since as early as 1913, U. S. Steel plants have had fully equipped emergency rooms staffed by doctors or nurses. By 1922, the company had 389 emergency rooms and in non-populous areas had 13 hospitals. There were also 210 company surgeons and physicians, 222 nurses and 104 orderlies, besides 111 outside surgeons and physicians. The department has operated continuously since being established, with varying members of personnel.

U. S. Steel has employed the following Corporate Medical Directors:

Charles P. Prezzia, M.D., 1998 - present. General Manager of Health Services & Medical Director;
Joseph J. Schwerha, M.D., 1982 - 1998, General Manager & Medical Director - Health Services;
Merle Bundy, M. D., 1968 - 1982, Retired Director - Industrial Medicine;
Robert O'Connor, M.D. (deceased), 1955-1968, Corporate Medical Director;
Hugh Wagner, M.D. (deceased), 1925(?) - 1955, Chief Surgeon.
H. S. Gibbs, Assistant Chief Surgeon, Industrial Medicine.

Corporate Industrial Hygiene Managers or Directors:

Robin Sotak, 2002-Present
James Quealey, CIH, 1996-2002;
John B. Masaitis, CIH, 1991-1996;
Frederick M. Toca, Ph.D., CIH, CSP, 1981-1991;
W.C. Janes (deceased), 1973-1980, Assistant Director of Industrial Hygiene;
Kenneth M. Morse (deceased), 1951-1973, Director of Environmental Health.

Corporate Safety Managers or Directors were:

James P. Jones, 1997-2002
Thomas Mott (1991-1997)
E.M. Gordon (1984-1991)
W.D. Miller (1981-1983)
T.F. Fisher, M.D. (1979-1981)
Douglas Brown (1967-1978)

D.A. Farrell (1946-1967)

Gary Works Industrial Hygienists and Safety Personnel:

George Bradley, former Manager of Safety and Industrial Hygiene

Joe Bucheck, former General Superintendent of Safety

Dan Gilyan, former General Superintendent of Safety

Dan Cimesa (deceased), former Environmental Practices Manager

Gary Works Medical Director:

Robert Edmunds, M.D., (1980)

Gary Works Physicians:

Jose C. Espino

Thomas F. Fisher

Raymond Sanders

Abelardo F. Vergara

William M. Woodward

Dominador F. Llamas

John Ziegler

Joseph Bentz

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

- a. to whom these warnings were given (and specifically state if Plaintiff was among them),
- b. when they were given, if ever, and
- c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
- d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
- e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to the term "anyone" as vague, overly broad and unduly burdensome. Defendant further objects to the assumption that there is a duty to warn. Subject to its objections, U.S. Steel has had a strong safety program since at least 1907, which sets forth procedures to minimize or abate exposure to excessive dusts of all kinds, including but not limited to asbestos dust. It has been Defendant's policy since at least the 1930's to caution employees about potential hazards of excessive dust inhalation including but not limited to asbestos dust. Such information came generally from the Industrial Hygiene, Medical and Safety Departments to management at various facilities. Such warnings were issued in both written and oral form. This information was then communicated to management at the various facilities. This information was then communicated to employees at regularly held safety meetings and through other written materials, including but not limited to safe job procedures. As knowledge of the potential hazards became known, Defendant issued formal guidelines specifically on asbestos to minimize or abate exposures to asbestos dust. The guidelines include but are not limited to: exposure monitoring, medical surveillance, employee training, isolation and restriction of area, work practices to minimize dust generation, housekeeping, personal protective equipment, substitution of alternative materials, personal hygiene and waste disposal. In addition, it has always been U.S. Steel's policy to comply with governmental and industry standards, regulations, and recommendations, including the threshold limit values provided by the ACGIH and the permissible exposure limits of OSHA. These policies were communicated to the Gary Works personnel by US. Steel's Industrial Hygiene Department. U.S. Steel's Medical Department held semi-annual meetings for medical personnel at Gary Works. Asbestos was discussed at some of these meetings. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Because employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility and there was no duty to warn such employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of

the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees, so U.S. Steel would have no knowledge of the warnings and communications between them and their employees other than what was discussed at safety line-up meetings with contractors' management.

INTERROGATORY NO. 11:

If Defendant has or had or maintained in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings, please identify

- a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
- b. identify the written materials received, and
- c. state how and why these materials came into Defendant's possession.

ANSWER: Defendant objects to this interrogatory as vague, overly broad and unduly burdensome to the extent that it is not limited to a specific time period at issue, to a disease category at issue, to the craft at issue, to the types or quantities of fibers at issue or to any product to which Plaintiff was allegedly exposed, if any.

INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

- a. the type of asbestos fiber used,
- b. from whom you purchased the asbestos fiber used,
- c. a description of the process in which the asbestos was used.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was

exposed while on the Defendant's premises, nor has he claimed to have been exposed to a product manufactured by this Defendant, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. The phrase "industrial use" is vague, ambiguous and overly broad. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing. Subject to the foregoing objection, to the best of U. S. Steel's knowledge, no asbestos containing products were manufactured at the Gary Works.

INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

- a. the functional dates for each plant, facility, location, or premises and
- b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, not limited to a specific area of the facility at issue and it is not limited to the product to which Plaintiff alleges exposure, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). The term "functional dates" is also vague, ambiguous and overly broad. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates,

subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

- a. the results obtained,
- b. by whom such tests were performed and
- c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to the dust type at issue or to any product to which Plaintiff was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

- a. when such was first provided to your employees, contractors, and/or invitees and to whom,
- b. under what circumstances such were provided, and
- c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and

- d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, to a specific area of the facility, to the craft or contractor at issue and it is not limited to any product to which Plaintiff was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects because Plaintiff fails to specify which regulations, laws, statutes, mandates, or other authority that are the subject of this inquiry. The information requested by this interrogatory is equally available to the Plaintiff. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 17

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

ANSWER: Defendant objects to this Interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any, and fails to specify the health and safety regulations about which it inquires. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed for alleged injury against you resulting from exposure to asbestos, state for each:

- a. The name and address of the claimant
- b. A description of the claim.
- c. The name and address of the attorney representing such claimant.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence to the extent it seeks information for a disease category not at issue and because it is not limited to a pertinent time period, facility, area of the facility, craft or product (if any) at issue. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant

and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER: Defendant objects to the interrogatory as vague, overly broad and unduly burdensome to the extent that it seeks a "detailed corporate history" and to the extent that it requires Defendant to provide information not required by the Texas Rules of Civil Procedure. Further objection is made to the term "control" as vague, overly broad and unduly burdensome. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO.20

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

ANSWER: Defendant objects to the terms "significant business locations". Defendant objects that this interrogatory is overly broad, vague, and ill-defined. Defendant objects that this interrogatory relates to information which is irrelevant and immaterial, and not calculated to lead to the discovery of admissible evidence. Defendant objects in that this request is an attempt to improperly shift the burden placed on the plaintiff to bring suit in a proper venue. The plaintiff has a duty to investigate proper venue before filing suit. Defendant objects to this interrogatory in that the same is multifarious and confusing and assumes facts not in evidence. Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO.21:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessors or subsidiary companies manufactured, marketed or sold from 1969 to 1998.

ANSWER: Defendant objects to the extent that this interrogatory seeks information on "predecessors or subsidiary companies" as vague, overly broad, and unduly burdensome as such companies are not specified and it seeks information on entities who are not parties to this

litigation and/or for whom this Defendant would have no liability and it is not limited to any product to which Plaintiff was allegedly exposed or to a pertinent time period. This interrogatory amounts to a fishing expedition as prohibited by *Loftin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO.22:

If Defendant from 1969 to 1998 manufactured, marketed or sold a product that contained asbestos fibers, state as to each product the following:

- a. As to each product, state whether your product was manufactured, marketed, and/or sold.
- b. The trade or brand name of each of those products manufactured, marketed and/or sold.
- c. The date each of the named products, if any, was placed on the market.
- d. A description of the physical (chemical) composition of each of the named products, if any, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- e. The date Defendant stopped manufacturing such asbestos-containing product.
- f. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefore;
- g. The date asbestos was removed for such product, if ever, and the reasons for removing it.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, and unduly burdensome as it is not limited to any product to which Plaintiff was allegedly exposed or to a pertinent time period. This interrogatory amounts to a fishing expedition as prohibited by *Loftin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 23:

Before manufacturing, selling or placing the products listed in Defendant's response to interrogatory No 21 into the stream of commerce, were any tests conducted to determine the potential health hazards involved in the use of, or exposure to, the asbestos materials contained in that product or products?

ANSWER: Defendant objects to this interrogatory as vague, overly broad, and unduly burdensome as it is not limited to any product to which Plaintiff was allegedly exposed or to a pertinent time period. The term "health hazards" is also vague, overly broad and unduly burdensome to the extent that it is not limited to a disease category at issue in this litigation. This interrogatory amounts to a fishing expedition as prohibited by *Loflin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 24:

If the answer to interrogatory No.22 is in the affirmative, state:

- a. The names of the products tested and the dates of such tests;
- b. The name, address and job title of each person who conducted those tests.
- c. The results or conclusions for those tests.
- d. Whether any products were removed from the market as a result of these tests.
- e. The name of all products removed from the market as a result of these tests.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, and unduly burdensome as it is not limited to any product to which Plaintiff was allegedly exposed or to a pertinent time period. This interrogatory amounts to a fishing expedition as prohibited by *Loflin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further

objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

INTERROGATORY NO. 25:

Identify by name and location each plant or manufacturing facility in which the products listed in Defendant's answer to interrogatory No.21 were manufactured, assembled, or prepared for sale or marketing from 1969 to 1998, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER: Defendant objects to this interrogatory as vague, overly broad, and unduly burdensome as it is not limited to any product to which Plaintiff was allegedly exposed or to a pertinent time period. This interrogatory amounts to a fishing expedition as prohibited by *Loftin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). This interrogatory amounts to a fishing expedition as prohibited by *Loftin v. Martin*. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further objects to this interrogatory as it exceeds the number of interrogatories allowed by the Texas Rules of Civil Procedure and, therefore, is burdensome and harassing.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO.1:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles and Plaintiffs are purportedly seeking information on the entire facility. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, none.

REQUEST FOR PRODUCTION NO.2:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was allegedly exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909

S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO.3:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. It is not limited to a specific area of the facility or to the contractor at issue. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO.4:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. It is not limited to a specific area of the facility or to the specific contractor at issue. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491,

492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility or the specific contractor at issue. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO.6:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility in which Plaintiff's employer was working. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the

Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Documents reflecting payment for work involving an area of the facility not at issue would not lead to the discovery of admissible evidence. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO.7:

Please produce all photographs or videographic depictions or films depicting the use of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Further, the term "bystander" is vague, overly broad and unduly burdensome. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any, and further objects to the extent that the request assumes there is a duty to warn. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO.9:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10:

Please produce all documents that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of

your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, a specific time period when Plaintiff worked at its facility, to a specific area of the facility, is not limited to a dust type at issue, and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. The term "regulatory agency" is also vague and overly broad and fails to specify a particular agency which is the subject of this inquiry. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 11:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, please produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't*

Stores, Inc. v. Hall, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 12:

Please produce all documents relating to inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of “dust counts”.

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant’s premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel’s Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep’t Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request, other than what has been produced in response to number 10.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to a relevant time period, to the disease category at issue, to the craft at issue, to the fiber type at issue or to the product at issue in this litigation. At this time, Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on this Defendant’s premises. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep’t Stores, Inc. v. Hall*, 909

S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE: Defendant objects that this request is overly broad, vague, ill-defined, unduly burdensome and oppressive. Defendant further objects that this request is so broad and vague it necessarily invades upon the attorney/client and attorney work product privileges. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Subject to the foregoing objections, and without waiving the same, see any and all exhibits, depositions, deposition exhibits, records, charts, videos, pictures, objects, drawings, diagrams, or other possible documents or items that have been produced in this matter, including, but not limited to, items not yet in existence. This list is not all-inclusive. The Defendant does not stipulate to the authenticity of any of these items or documents at this time and reserves the right to object to the same at or prior to trial.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE: Defendant objects that this request is overly broad, vague, ill-defined, unduly burdensome and oppressive. Defendant further objects that this request is so broad and vague it necessarily invades upon the attorney/client and attorney work product privileges. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Defendant further objects to this request in that it seeks to shift the burden of proof to this Defendant. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the

Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Defendant objects to this request as vague, overly broad and unduly burdensome. This request completely fails to specify the category of documents sought with reasonable particularity and is nothing more than a general request for all documents in Defendant's possession.

REQUEST FOR PRODUCTION NO. 17:

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

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as the request is not limited to the facility or to a time period at issue. Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: Defendant objects that this request is overly broad, vague, ill-defined, unduly burdensome and oppressive. Defendant further objects that this request is so broad and vague it necessarily invades upon the attorney/client and attorney work product privileges. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure, and this is nothing more than a general request for all documents.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Defendant objects to the request as vague, overly broad and unduly burdensome to the extent that it fails to limit the request to the fiber type at issue, to the craft at issue, to a particular time period or to the disease category at issue. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491,

492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 20:

Please produce all documents that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO.21:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence to the extent that it fails to specify the trade associations about which information is sought and the request is not limited to a pertinent time period. Defendant further objects that this request is so broad and vague it necessarily invades upon the attorney/client and attorney work product privileges. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil

Procedure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: Defendant objects to the request as vague, overly broad and unduly burdensome as it is not limited to a time period, facility, area of the facility, craft, product or disease category at issue. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. Further, the term "safety meeting minutes" is vague, overbroad and unduly burdensome and is not limited to meetings of the contractor or claim at issue. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each

case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, there are no invoices for the pertinent time period.

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. This request specifically includes any and all xrays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE: Defendant objects to this request as overly broad, vague and confusing and to the extent that documents relating to Plaintiff's medical condition are equally accessible to Plaintiff. Subject to and without waiving its objections, this request should be directed to Plaintiff's employer. None located by Defendant.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Defendant objects to this request as confusing, vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. Defendant further objects to the phrase "all documents related to Plaintiff" as vague and overly broad. This request is global and does not specify the documents which are sought with reasonable particularity. Subject to and without waiving its objections, this request should be directed to Plaintiff's employer. Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it

is not limited to a specific time period when Plaintiff worked at its facility or to a specific area of the facility. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: Defendant objects to this request as it is overly broad and invades upon the attorney work product privilege and necessarily invades upon the mental thoughts and impressions of counsel for the Defendant. The Defendant further objects in that this request would require the Defendant to produce or create items that may not be in existence as of this time. Defendant objects that this request is premature, the disclosure of demonstrative aids is more appropriately, and is often, the subject of the local court rules are a pretrial order. Disclosure, when and if necessary, of demonstrative aids is normally made at the time of or prior to a pretrial conference or trial itself. Subject to the forgoing objections and without waiving the same, the Defendant has not made all determinations as to demonstrative aids at this time. The Defendant, however, reserves the right to use any exhibit, deposition exhibit, record, chart, video, picture, object, drawing, diagram, or other possible aid that has or has not been produced in this matter, including, but not limited to, items not yet in existence. This list is not all-inclusive. The Defendant does not stipulate to the authenticity of any of these items or documents at this time and reserves the right to object to the same at or prior to trial.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it

is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, not limited to a type of craft or disease category at issue, to a specific and/or reasonable time period, and not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. Defendant further objects to the extent that this request seeks production of private and confidential information. The term "any individual" is vague, overly broad and unduly burdensome. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note,

or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises At Issue.

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, not limited to a type of craft or disease category at issue, not limited to a specific and/or reasonable time period, and not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. The terms "hazards" and "potential health hazards" are also vague and overly broad. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO.31:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, not limited to a type of craft or disease category at issue, not limited to a specific and/or reasonable time period, and not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. The phrase "asbestos-related health hazards" is also vague and overly broad. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see

documents produced. There are no minutes of Board of Directors meetings.

REQUEST FOR PRODUCTION NO. 32:

Please produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE: Defendant objects to the extent this request seeks production of information beyond what is required by the Texas Rules of Civil Procedure. Defendant further objects to this request as overly broad and invades upon the attorney work product privilege as same necessarily invades upon the mental thoughts and impressions of counsel for the Defendant. The Defendant further objects in that this request would require the Defendant to produce or create items that may not be in existence as of this time. Defendant objects that this request is premature. Subject to the forgoing objections and without waiving the same, the Defendant has not made all determinations as to exhibits at this time. The Defendant, however, reserves the right to use any exhibit, deposition exhibit, record, chart, video, picture, object, drawing, diagram, or other possible document or item that has been produced in this matter, including, but not limited to, items not yet in existence. This list is not all-inclusive. The Defendant does not stipulate to the authenticity of any of these items or documents at this time and reserves the right to object to the same at or prior to trial.

REQUEST FOR PRODUCTION NO.33:

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

RESPONSE: Defendant objects to the extent the Request is not limited to a disease category at issue or to any products or to a time period or to an insurer at issue in this litigation. Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, to a reasonable time period, to a disease category at issue, to a specific craft at issues, to a specific area of the facility or to an insurer at issue in this litigation. Further, it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated

steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. The phrase "hazards of asbestos" is also vague and overly broad. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: Defendant objects to the extent the Request is not limited to a disease category at issue or to any products or to a time period or to an insurer at issue in this litigation. Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. This request is not limited to the facility at issue, to the time period at issue, to a specific craft at issues or to a specific area of the facility. Further, it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. The phrase "dust in general" is also vague and overly broad. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it

is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Further, the terms “regulations, orders, rules and/or policies” are vague, overly broad and unduly burdensome and amount to a fishing expedition as Plaintiff has failed to specifically and adequately identify the documents sought. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep’t Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. It is not limited to a specific time period when Plaintiff worked at its facility or to a specific area of the facility. Further, the request is not limited to work place or safety conditions at issue and those terms, as used in the request, are vague, overly broad and unduly burdensome. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep’t Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. It is not limited to a specific time period when Plaintiff worked at its facility or to a specific area of the facility. Further, the request is not limited to work place or safety conditions at issue and those

terms, as used in the request, are vague, overly broad and unduly burdensome. Further, the term "Union representatives" is vague and overly broad and unduly burdensome as it fails to specify the union about which information is sought and fails to limit the request to a union which might be at issue in the litigation. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility at issue where plaintiff worked and fails to specify whose management is the subject of the inquiry.

REQUEST FOR PRODUCTION NO. 39:

Please produce all documents which evidence Defendant's net worth, including, but not limited to, all "10-K" forms filed for the last five (5) years.

RESPONSE: Defendant objects to this request as overly broad, burdensome, harassing and seeking documents which are irrelevant and immaterial. This request does not describe the documents it seeks with reasonable particularity. Defendant further objects since this request is intended to merely harass and annoy this Defendant, and constitutes a fishing expedition and is an invasion of the Defendant's personal, constitutional and property rights, especially since plaintiffs have produced no evidence and have not demonstrated at least a fact issue (in good faith) with respect to any alleged gross negligence or any entitlement to punitive damages in this case. Defendant further objects that this request is vague and general, and requests information and documents which are irrelevant and immaterial. Defendant further objects since the forms requested and net worth of this Defendant are privileged and confidential and not discoverable. Defendant further objects, in that discovery of the Defendant's net worth, if ever appropriate, is premature at this time and during this stage of litigation. Subject to and without waiving its objections, see documents produced.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period or to "liabilities" at issue in this litigation and the term "liabilities" is vague, overly broad and unduly burdensome. Subject to and without waiving its objections, Defendant does not dispute that it owned the facility during the pertinent time period.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. Further, the term "dangerous condition or activity" is argumentative, vague, overly broad and unduly burdensome.

REQUEST FOR PRODUCTION NO. 42:

If you contend that you did not own or control the facility(ies) during any portion of the Time Period At Issue, please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. Defendant further objects to the term "control" as vague, ambiguous and overly broad. Subject to and without waiving its objections, Defendant does not dispute that it owned the facility during the pertinent time period.

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: Defendant objects that this request is overly broad, vague, ill-defined, unduly burdensome and oppressive. Defendant further objects that this request is so broad and vague it necessarily invades upon the attorney/client and attorney work product privileges. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Defendant further objects since this request is intended to merely harass and annoy this Defendant, and is an invasion of the Defendant's personal, constitutional and property rights. Defendant objects to this request because it is not reasonably limited in scope and time. This request would place an undue burden and cause this Defendant to incur unnecessary expense to try to locate, identify and describe or produce the documents requested. Defendant further objects that this request is vague and general, and requests information and documents which are irrelevant and immaterial. Defendant further objects since the forms and documents requested are privileged and confidential and not discoverable. Subject to and without waiving its objections, Defendant has been incorrectly sued as USX Corporation. The correct name of Defendant is United States Steel Corporation. A proxy statement has previously been produced to Baron & Budd.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Defendant does not dispute that it owned the facility during the pertinent time period.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. Defendant further objects to this request in that it seeks to shift the burden of proof to this Defendant. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Defendant further objects to the extent that it requires Defendant to marshal its proof. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. The request is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. Defendant further objects to this request in that it seeks to shift the burden of proof to this Defendant. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the

same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Defendant further objects to the extent that the request is a general request for all documents and to the extent that it requires Defendant to marshal proof. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. The request is not limited to a specific facility, to a reasonable time period, to a specific area of the facility and it is not limited to any product to which Plaintiff was exposed, if any. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. This request completely fails to specify the category of documents sought with reasonable particularity. Defendant objects to this request in that the same is global and amounts to an improper fishing expedition and exceeds the permissible scope of the Texas Rules of Civil Procedure. Defendant further objects to the extent that this is a general request for all documents and to the extent it requires it to marshal its proof. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure or to any process in which Plaintiff was involved. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure nor to any process that Plaintiff was allegedly involved with. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in anyway to your manufacturing of

asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure nor to any process that Plaintiff was allegedly involved with. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO.51:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. Further, Plaintiff did not testify to working with or around boilers at the Gary Works. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Defendant objects to this request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Further the term "some aspect" is overly broad, vague and ambiguous. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Defendant further objects to the terms "audits" and "caused to be conducted" as vague, overbroad and unduly burdensome. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE: Defendant objects to this request as vague, confusing, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure.

Defendant further objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the dust type at issue and the terms "industrial facilities" and "industry" are vague and overly broad. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include

only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE: Defendant objects to this request as overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence. Defendant objects to this request to the extent that it seeks information that is equally accessible to Plaintiffs and to the extent that it seeks depositions and trial transcripts of current and former employees or other corporate representatives that do not relate to the facility, area of facility, craft or products at issue in this litigation.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE: Defendant objects to this request as vague, confusing, irrelevant, overly broad and unduly burdensome and such documents are equally accessible to Plaintiffs.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to this Request as vague, overly broad, and unduly burdensome to the extent that it is not limited to correspondence relating to the project Plaintiff was involved in and at issue in this

litigation. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the facility at issue, to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: Defendant objects to this Request as vague, overly broad and unduly burdensome and it is not limited to a specific time period or to the disease category or to the craft or claim at

issue in this litigation. The request further fails to specify the documents sought with reasonable particularity and is a general request for all documents in Defendant's possession. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995).

REQUEST FOR PRODUCTION NO.59:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a facility at issue, nor to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Courts have repeatedly emphasized that discovery may not be used as a fishing expedition and that requests must be reasonably tailored to include only matters relevant to each case. *In Re American Optical Corporation*, 988 S.W. 2d 711 (Tex. 1998), *K Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *Dillard Dep't Stores, Inc. v. Hall*, 909 S.W.2d 491, 492 (Tex. 1995); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 915 (Tex. 1995). Subject to its objections, Defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE: Defendant objects to this Request as vague, overly broad and unduly burdensome and the Request fails to specify the documents about which information is sought and it is not limited to a time period or to the claim at issue.

REQUEST FOR PRODUCTION NO. 61:

Please produce all workers' compensation policies which were in effect during the years that Plaintiff claims to have been on your premises. Please be sure to include the information page of the policy which describes who is covered by the policy.

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure and it does not specify whose workers' compensation policies are sought. Subject to its objections, Defendant has not located any documents responsive to this request.

OBJECTIONS AND RESPONSES 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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. At this time Plaintiff has not specifically identified any asbestos containing product to which he was exposed while on the Defendant's premises, nor has he specifically identified the area of the Gary Works in which he claims exposure. U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles. Subject to and without waiving its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the extent that the request is misleading. Subject to the foregoing objections, and without waiving the same: Defendant has located no documents indicating that Plaintiff was present at its facility and denies that plaintiff was exposed to asbestos or that plaintiff was exposed in sufficient quantity or quality, if any, to have caused any disease as alleged by the plaintiff.

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 as premature, vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. This is also an improper attempt to shift the burden to Defendant as Plaintiff has not identified any asbestos-containing products to which he was exposed or identified with any specificity the area of the facility he was in or his job at this Defendant’s facility. Defendant further objects in that same amounts to an improper fishing expedition, is global and is so broad it necessarily invades upon the attorney client and attorney work product privileges.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Further, the request is vague and confusing as worded.

Defendant further objects to the assumption that it had a duty with respect to Plaintiff. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. Air monitoring was done to the extent necessary but to the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

REQUEST FOR ADMISSION NO.4:

Admit that 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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the extent that the request assumes facts not in evidence and is misleading. Subject to the foregoing objections and without waiving the same: Based upon the foregoing and based upon the size and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. Air monitoring was done to the extent necessary but to the best of Defendant's knowledge, Defendant has located no documents indicating that Plaintiff was present at its facility and denies that plaintiff was exposed to asbestos

or that plaintiff was exposed in sufficient quantity or quality, if any, to have caused any disease as alleged by the plaintiff. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects in that same amounts to an improper fishing expedition, is global and is so broad it necessarily invades upon the attorney client and attorney work product privileges.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Further, the term "employees" is vague, overly broad and unduly burdensome. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of

equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the contractor at issue, to a specific area of the facility, to work done by Plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

REQUEST FOR ADMISSION NO.9:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked, which he has not identified, and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the assumption that it had a duty to warn Plaintiff or to the assumption that a sign is required without consideration for the type of product, use, and/or level of exposure. The terms "warning", "caution", and "hazard signs" are vague and overbroad. Subject to and without waiving its objections: Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent

contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked, which has not been identified, and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the assumption that it had a duty to warn Plaintiff or to the assumption that a sign is required without consideration for the type of product, use, and/or level of exposure. Subject to and without waiving its objection: Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the

contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to work done by Plaintiff. The term "specified" is also vague, overly broad and unduly burdensome. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "in use" is vague and overbroad.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "in use" is vague and overbroad. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility or to work done by Plaintiff and it is not limited to the product to which Plaintiff alleges exposure. Further, the term "in use" is vague and overbroad. Subject to its objections, U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications. U.S. Steel denies that Plaintiff worked on and/or around Defendant's premises in areas where he was exposed to unsafe or excessive amounts of asbestos.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is

not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to work done by Plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "in use" is vague and overbroad.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to work done by Plaintiff, and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "in use" is vague and overbroad.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the contractor or the work at issue, nor is it limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. The terms "health and safety procedures" are vague, overly broad and unduly burdensome. Further objection is made to the term "contractors" as vague and overbroad and unduly burdensome. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objection: Denied as stated. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They

conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure or to work done by Plaintiff. Defendant further objects in that it assumes facts not in evidence and is misleading. Further objection is made to the term "contractors" as vague and overbroad and unduly burdensome. Subject to and without waiving its objection: Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they

began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to the contractor at issue, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. The term "health and safety meetings" is vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading. Further objection is made to the term "with contractors" as vague, overbroad and unduly burdensome. Subject to and without waiving its objection: denied as stated. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. The term "health and safety meetings" is vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading. Further objection is made to the term "with contractors" as vague, overbroad and unduly burdensome. Subject to and without waiving its objection: Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to the contractor at issue, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects in that it assumes facts not in evidence and is misleading and to the extent that it assumes that there was a duty. The terms "any steps" and "exposure" are vague, overbroad and unduly burdensome. Subject to and without waiving its objection: Denied as stated. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the

facility and it is not limited to any product to which Plaintiff alleges exposure and it is not limited to the contractor employee at issue. Defendant further objects in that same amounts to an improper fishing expedition, is global and is so broad it necessarily invades upon the attorney client and attorney work product privileges.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to the claim at issue. Defendant further objects in that it assumes facts not in evidence and is misleading. Further objection is made to the terms "asbestos" and "in use" as vague, overbroad and unduly burdensome.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects in that it assumes facts not in evidence and is misleading. U.S. Steel states that the vast majority of machinery, equipment and products used at the facility were non-asbestos containing. However, U.S. Steel admits that, on a limited basis, it acquired asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products as necessary for the safe and proper performance of equipment and processes, particularly those involving high temperature applications.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is

not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to work done by Plaintiff or to the claim at issue in this litigation.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure or to the work done by Plaintiff or to the claim at issue in this litigation.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE: Admit.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE: Defendant objects to the term "operated" as vague, overly broad and unduly burdensome and as calling for a legal conclusion. Subject to the objection: admit.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the assumption that it had a duty with respect to Plaintiff. Subject to and without waiving its objections, based upon the

foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. Air monitoring was done to the extent necessary but to the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the assumption that it had a duty with respect to Plaintiff. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. Air monitoring was done to the extent necessary but to the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the

independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the term "business invitees" as vague and overly broad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility at issue or to a time period at issue, to work at issue, or to the Plaintiff. Defendant further objects in that it assumes facts not in evidence and is misleading. The term "business invitees" is vague, overbroad and unduly burdensome. Subject to and without waiving its objections, Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. Employees of J.M. Foster, including Plaintiff, were

not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to the contractor at issue, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "safety orientation" is vague and overly broad and unduly burdensome. Defendant further objects in that it assumes facts not in evidence and is misleading. Defendant further objects to the term "contractor employees" as vague, overbroad and unduly burdensome. Subject to and without waiving its objection: Denied as stated. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management.

REQUEST FOR ADMISSION NO. 33:

Admit that you did not 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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Further objection is made to the term "safety orientations" as vague, overly broad and unduly burdensome. Defendant further objects in that it assumes facts not in evidence and is misleading. Defendant further objects to the term "contractor employees" as vague, overbroad and unduly burdensome. Subject to and without waiving its objection: Based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable. To the best of Defendant's knowledge, Plaintiff was not exposed to asbestos or in sufficient quantities or for sufficient duration to have caused harm. U.S. Steel was not aware at relevant times of any hidden hazards of asbestos exposure to employees of independent contractors. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management. Further, there is no need for a warning if there is no exposure to asbestos or in sufficient quantity or quality to cause harm.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to the work done by Plaintiff. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility where Plaintiff worked or to the work done by Plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to work done by the Plaintiff. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility where Plaintiff worked or to work done by Plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Further, the term "maintain" is vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure and it is not limited to work done by Plaintiff. Subject to and without waiving its

objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to the contractor at issue, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant objects to the term "turnaround" work as vague, overly broad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to the contractor at issue, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the terms "communicated" and "concerning the work" as vague, overly broad and unduly burdensome. Subject to and without waiving its objection: Defendant admits that it communicated with management personnel of independent contractors but Defendant denies that it told contractors how to do their jobs. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced

contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility or to the work at issue and it is not limited to any product to which Plaintiff alleges exposure. Defendant further objects to the request as calling for a legal conclusion. Defendant further objects to the term "instructed" and the phrase "concerning the work" as vague, overly broad and unduly burdensome. Subject to and without waiving its objection: Denied as stated. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respected field. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees. However, it has long been Defendant's policy to conduct Contractors' Safety Line-Up Meetings with independent contractors before they began work on its premises. The line up meetings were conducted with management personnel for the contractor. During the course of the meeting, a booklet entitled "Contractor's Safety Responsibilities" was given to contractors' management and hazards were discussed. Defendant would have no knowledge of the warnings and communications between the contractors and their employees other than what was discussed at safety line-up meetings with contractors' management.

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 as vague, overly broad, unduly burdensome,

inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to the work at issue and it is not limited to any product to which Plaintiff alleges exposure. Further objection is made to the term "instructed" as vague and overly broad. Subject to the foregoing objections, and without waiving the same: Denied as stated. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to the work at issue, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further objection is made to the term "showed" as vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to the foregoing objections, and without waiving the same: Denied as stated. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome,

inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to work performed by plaintiff and it is not limited to the product to which Plaintiff alleges exposure. Further objection is made to the terms “your specifications” and “performed” as vague, overly broad and unduly burdensome. Defendant further objects in that it assumes facts not in evidence and is misleading and to the extent that it calls for a legal conclusion. Subject to and without waiving its objections, Defendant denies that Plaintiff’s employer had to be told how work was to be performed. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant’s knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Further objection is made to the terms “your specifications” and “performed” as vague, overly broad and unduly burdensome. Defendant further objects in that same amounts to an improper fishing expedition, is global and is so broad it necessarily invades upon the attorney client and attorney work product privileges.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is

not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to work done by plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Further objection is made to the term "your specifications" and to the term "materials" as vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading and to the extent that it calls for a legal conclusion. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the terms "specifications" and "materials" as vague, overly broad and unduly burdensome. Defendant further objects in that same amounts to an improper fishing expedition, is global and is so broad it necessarily invades upon the attorney client and attorney work product privileges.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by the plaintiff, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further objection is made to the phrase "when to start work" and to the term "told" as vague, overly broad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility

(U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Defendant objects to this Request as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility, to work performed by plaintiff and it is not limited to any product to which Plaintiff alleges exposure. Further objection is made to the phrase "when to stop work" and to the term "told" as vague, overbroad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by Plaintiff, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. Further, the terms "materials" and "told" are vague and overly broad and unduly burdensome. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by Plaintiff, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. The phrase "what order the work should be done" and the term "told" are vague and overly broad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by Plaintiff, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. The terms "the deadline" and "told" are vague and overly broad and unduly burdensome. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by Plaintiff, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure. The phrase "power to correct work" is vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to work done . Further objection is made to the phrase "power to require work . . .be redone to your satisfaction" as vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to work done by Plaintiff,

to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the phrase "power to stop work" as vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the term "observed" as vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to any product to which Plaintiff alleges exposure or to work done by Plaintiff. Defendant further objects to the term "inspected" as vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U. S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7

miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the term "approved" as vague and overly broad. Subject to and without waiving its objections, based upon the foregoing and based upon the size of the facility and age of the facility (U.S. Steel's Gary Works is almost 100 years old and is the largest integrated steel plant in North America, covering 4,000 acres and stretching for approximately 7 miles), the lack of specificity in Plaintiff's testimony about the area of the facility where he worked and his job and due to the fact that the time period at issue is more than 30 years ago, Defendant is unable to admit or deny based on information that is known or easily obtainable.

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 as vague, overly broad, unduly burdensome, inapplicable, irrelevant and not calculated to lead to the discovery of admissible evidence as it is not limited to a specific time period when Plaintiff worked at its facility, to a specific area of the facility and it is not limited to the product to which Plaintiff alleges exposure. Defendant further objects to the phrase "retained the power to control all phases of the work" as vague and overly broad. Defendant further objects in that it assumes facts not in evidence and is misleading. Subject to the foregoing objections, and without waiving the same: denied as stated. Employees of J.M. Foster, including Plaintiff, were not under the supervision or control of Defendant, who hired experienced contractors and considered them to be experts in their respective fields, and in the correct and safe installation of the products they used as a condition precedent to receiving a contract, the independent contractors retained the responsibility. To the best of Defendant's knowledge, the contractor provided all tools and equipment, including safety equipment, to their employees and had their own safety program and safety personnel at the facility who were

responsible for the safety of their own employees. They conducted regular safety meetings with their employees.

REQUEST FOR PRODUCTION NO. "10"

REQUEST FOR PRODUCTION NO. "13"

REQUEST FOR PRODUCTION NOS. "13 & 19"

REQUEST FOR PRODUCTION NOS 13, 19 & 35

REQUEST FOR PRODUCTION NO. "21"

REQUEST FOR PRODUCTION NO. "30 & 31"

REQUEST FOR PRODUCTION NO. 35

REQUEST FOR PRODUCTION NO. "39"

REQUEST FOR PRODUCTION NO. "17"

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REQUEST FOR PRODUCTION NO. 48