**CAUSE NO. 00-08571-K**

JOHN CHAMBERS, ET AL	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, ET AL	§	192 ND JUDICIAL DISTRICT

CHEVRON U.S.A. INC.'S OBJECTIONS AND
SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES REQUEST FOR PRODUCTION,
AND REQUEST FOR ADMISSIONS

TO: Plaintiff, FRANK G. SHELTON, et al by and through his attorney of record, Stephanie Finch, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW CHEVRON U.S.A. INC., one of the Defendants in the above styled cause, and makes and files its Objections and Supplemental Responses to Plaintiff's First Set of Interrogatories, Request for Production, and Request for Admissions Propounded to Premises Defendants.

Respectfully submitted,

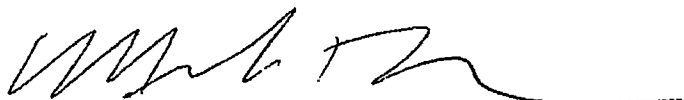
STRONG PIPKIN BISSELL
& LEDYARD, L.L.P.

David W. Ledyard
State Bar No. 12109400
Michael T. Bridwell
State Bar No. 02979600
14th Floor, San Jacinto Building
Beaumont, Texas 77701-3255
(409)981-1000
(409)981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

This will verify that a true and correct copy of Chevron U.S.A. Inc.'s Objections and Supplemental Responses to Plaintiff's Interrogatories, Request for Admissions and Request for Production has been forwarded to counsel for plaintiff, by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this day 1 day of Aug 2002 .


Michael T. Bridwell

OBJECTIONS TO PLAINTIFF'S DEFINITIONS

1. Defendant objects to Plaintiff's definition of the terms "Defendant", "you", "your", and "your company". To the extent the terms can be read to refer to Defendant's attorneys, any interrogatory or request for production utilizing any of these terms necessarily invades the work product privilege in violation of Rule 192.5 of the Texas Rules of Civil Procedure and Rule 503 of the Texas Rules of Evidence. To the extent the terms are defined to include predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, as well as present and former officers, directors, agents, employees and other persons acting or purporting to act on behalf of the corporate defendant, any interrogatory or request for production utilizing these terms is so overly broad, and over burdensome as to make any request or interrogatory utilizing the term virtually impossible to answer. Further, to the extent the definition is defined to include any merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, any interrogatory or request for production utilizing any of these terms is necessarily overly broad, over burdensome, and calls for material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Plaintiff's apparent attempt to place upon Defendant the burden to seek information from former officers, directors, agents and employees over whom Defendant no longer has dominion or control. Any interrogatory or request for production utilizing any of these terms is a "fishing expedition" in violation of Texas law as concerns discovery.
2. Defendant objects to Plaintiff's definition of the terms "document", "documents", "written materials", or "printed matter" as the definition of those terms renders any interrogatory or request for production utilizing any of these terms overly broad, over burdensome, harassing, and reduces any such interrogatory or request for production to a "fishing expedition" in violation of Texas law concerning discovery. Defendant further objects to the definition of these terms as calling for the production of material or information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the definition of these terms to the extent it purports to include an obligation to locate and produce information or documentation which is no longer in the possession or control of this Defendant or from entities who are not parties to this cause of action.
3. Defendant objects to Plaintiff's definition of the words "meeting" or "meetings" as any interrogatory or request for production utilizing those terms is overly broad, and over burdensome in that it purports to require documentation or information concerning any casual or coincidental meeting.
4. Defendant objects to Plaintiff's definition of the term "years at issue" as the definition assumes that Plaintiff worked on the premises of Defendant for the entire period reflected in the definition, which is denied. Any request for admission or production utilizing this term is overly broad, burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

5. Defendant objects to the stated definition of the terms "products containing asbestos fiber", "asbestos containing products" and "asbestos products" on the grounds it is overly broad, vague and not limited to the matters made the basis of this lawsuit and therefore, seeks disclosure of information and/or the production of documentation wholly irrelevant to any material issue in this case and not reasonably calculated to lead to the discovery of admissible evidence.

SUPPLEMENTAL ANSWERS TO INTERROGATORIES**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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, please see defendant's initial and supplemental responses to requests for disclosure, which are incorporated herein the same as if fully set forth at length, which identify persons with knowledge of relevant fact and the deposition of the plaintiff himself.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, plaintiff worked according to Plaintiff in his deposition testimony, plaintiff alleges he worked at defendant's facility for Lumus Construction Company doing new construction. The insulation specified on this project was "asbestos free". See Engineering Specification attached in supplemental response to request for production. The defendant's construction manager on this job was Don Dimiano c/o 9500 I-H10 East, Baytown, TX 77521-9570, (281)421-6500.

INTERROGATORY NO. 9:

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

1. 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
2. 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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, Defendant's Plant Safety Supervisor at the time plaintiff alleges he worked at the plant was Reese Tillery c/o 9500 I-H10 East, Baytown, TX 77521-9570, (281)421-6500.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the

premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, please see Engineering Specification No. L-102, a copy of which is provided in supplemental response to request for production. Further contractual materials are available for inspection at the offices of defendant's counsel at any mutually agreeable time.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's

allegations. Defendant further objects to the term "hazards of asbestos" as vague and ambiguous and response impossible without speculation as to the meaning of this term.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, plaintiff's employer, Lumus Construction Company, was required to provide its own employees with such equipment and supervision.

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 this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, defendant did not exercise sufficient control over the project upon which plaintiff claims to have been employed to have undertaken the duties suggested by plaintiff in plaintiff's pleadings. See Chapter 95 of the Texas Civil Practice & Remedies Code. Please also refer to contractual materials which will be made available for inspection and copying at any mutually convenient time and refer

to those persons identified in initial and supplemental responses to appropriate requests for disclosure.

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 this interrogatory to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This interrogatory is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL ANSWER:

Without waiving the foregoing, proper venue for this action lies in Harris County where the exposures are alleged by plaintiff to have taken place, and which is the principal place of business in this State of Defendant.

SUPPLEMENTAL RESPONSES TO REQUEST FOR PRODUCTION**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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, please see Engineering Specification No. L-102 which is attached. Further contractual materials will be made available for inspection and copying at the offices of defendant's counsel at any mutually convenient time.

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 Plaintiffs Request for Disclosure under Texas Rules of Civil Procedure 194.2, subparagraph (c).

RESPONSE:

Defendant objects to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is

overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, please refer to documents provided herein and to those which will be made available for inspection at any mutually convenient time. In addition, please see medical records concerning Mr. Shelton, copies of which are believed to be in possession of plaintiff's counsel but which will also be made available for inspection at any mutually convenient time and the deposition transcript of the plaintiff, co-workers and experts which have been taken or which are yet to be taken in this case. Please also refer to diagnostic films which are in plaintiff's possession and which have been requested by defendants but which have not yet been provided by plaintiff.

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 to this request to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, please see plaintiff's deposition testimony and the documents attached and referred to in supplemental response to plaintiff's request for production number 5.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, please see Engineering Specification No. L-102 which is attached. Further contractual materials will be made available for inspection and copying at the offices of defendant's counsel at any mutually convenient time.

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 x-rays, 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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant answers that it does not have any information on Plaintiff.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, medical records which have been secured through subpoena or through authorization are available for inspection at the offices of defendant's counsel at any mutually convenient time. Plaintiff has possession of x-rays and other diagnostic films which have been requested by defendant but which have not yet been provided.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, this request calls for information exempted from discovery by the work product privilege.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which

Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, plaintiff contends he was employed by Lumus Construction Company working at defendant's facility in the late 1970's. Please see Engineering Specification No. L-102 attached hereto. Other contractual materials are available for inspection at the offices of defendant's counsel at any mutually convenient time.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, please see supplemental response to request for production number 45.

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, see supplemental response to request number 45.

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in anyway 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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, see supplemental response to request number 45.

REQUEST FOR PRODUCTION NO. 61:

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, see supplemental response to request number 45.

SUPPLEMENTAL RESPONSES TO REQUEST FOR ADMISSIONS
REQUEST FOR ADMISSION NO. 37:

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Without waiving the foregoing, admitted.

REQUEST FOR ADMISSION NO. 44:

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 to the extent it is overly broad, vague and burdensome to which to respond, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided a work history and it is impossible to know Plaintiff's allegations.

SUPPLEMENTAL RESPONSE:

Defendant admits that specifications required the use of certain materials or in some cases, the equivalent. Please see the Engineering Specification enclosed in supplemental response to plaintiff's request for production.

EE LUMMUS	ENGINEERING SPECIFICATION INSULATION MATERIAL AND APPLICATION REQUIREMENTS	NO. L-102
		PROJECT T-7000
DATE 6-25-73		PAGE 25 OF 32

4.5

EXHIBIT V - INSULATION MATERIALS

Lummus Material Code No.	Type of Insulation	Manufacturer	Description	Available Shapes	Service Temp. Limit °F (°C)
I1	DELETED				
I2	Mineral Wool	Johns-Manville	J-M Euroc M Block	Block	1000 (538)
		Forty-Eight	*MF *N-1200 H.T. Block	Sectional Pipe Block Block	1333 (729) 1200 (649) 1900 (1038)
		Baldwin-Ehret-Hill	Therma-K Block Mono-Block Spun Wool Blanket No. 1 or 2A	Block Block Blanket	750 (399) 1800 (982) 1200 (649)
		Eagle-Picher	*Epitherm 1200 PV Supertemp Mineral Fiber	Sectional Pipe Insul. Block Blanket	1200 (649) 1930 (1038) 1400 (763)
I3	Calcium Silicate Asbestos-Free	Owens-Corning	*Kaylo	Sectional Pipe Insul., Block	1200 (649)
		Johns-Manville	Therma-12	Sectional Pipe Insul., Block	1200 (649)
		Baldwin-Ehret-Hill	*Thermax 11	Sectional Pipe Insul., Block	1200 (649)
		Pabco	*Caltemp	Sectional Pipe Insul., Block	1200 (649)
I4	Perlite	Philip Carey	*Careytemp 1500	Sectional Pipe Insul., Block	1500 (316)
I5	DELETED				
I6	DELETED				
I7	Mineral Wool Insulating Cement	Johns-Manville	No. 450 Cement	Cement	1800 (932)
		Baldwin-Ehret-Hill	A-E-M #1 Plus Cement	Cement	2100 (1155)
		Eagle-Picher	Säper "66"	Cement	1800 (322)
		Philip Carey	MF-50 Cement	Cement	1800 (322)
I8	Cellular Glass	Pittsburgh-Corning	*Foamglass (9 pcf density)	Sectional Pipe Insul., Block Pre-molded Fit- ting Insulators, Curved Segments & Reveled Lags	-450 (-258) to -300 (+27)
I9	Fiber Glass	Owens-Corning	Fiberglass Rvy. Density Sectional Insulation For Cold Service: FRJ/SSL (to be furnished with Butt Joint Strips)	Sectional Pipe Insulation	0 (-18) to +350 (+177)
			Fiberglass Metal Mesh Blanket with facing "R", "H", or "L"	Blanket	1000 (538)
			Fiberglass Industrial Insulation Type 755 (5 pcf density)	Board	-20 (-29) to +250 (511)