

BILLIE JEAN BLAYLOCK, ET AL.

VS.

OWENS-CORNING CORPORATION,
ET AL.

§
§
§
§
§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

14th JUDICIAL DISTRICT

**DEFENDANT'S OBJECTIONS AND RESPONSES TO
PLAINTIFF JUSTIN WAYNE KEETH'S FIRST REQUEST FOR
ADMISSIONS AND SECOND SET OF REQUESTS FOR PRODUCTION**

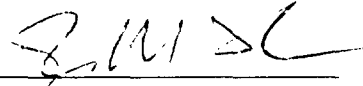
PLAINTIFF'S
EXHIBIT
PP-31a

TO: PLAINTIFF JUSTIN WAYNE KEETH, by and through his attorneys of record, Holly Huart and Stephanie Finch of BARON & BUDD, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219

Pursuant to TEXAS RULES OF CIVIL PROCEDURE Defendant PHILLIPS PETROLEUM COMPANY serves the following Objections and Responses to Plaintiff's First Request for Admissions and Second Set of Requests for Production.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

B. STEPHEN RICE

TSB No. 16838000

STEVEN M. DUBLE

TSB No. 06144550

1200 Smith Street, Suite 400

Houston, Texas 77002

Telephone: (713) 654-1111

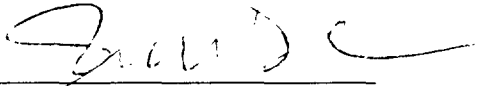
Facsimile : (713) 655-9212

Attorneys for Defendant

PHILLIPS PETROLEUM COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record by certified mail, return receipt requested, by facsimile transmission, by regular U.S. Mail and/or hand delivery on this 23rd day of August, 2000.


Steven M. Duple

CAUSE NO. 98-04570-A

BILLIE JEAN BLAYLOCK, ET AL.

VS.

OWENS-CORNING CORPORATION, ET
AL.

§
§
§
§
§
§

IN THE DISTRICT COURT OF

DALLAS COUNTY, T E X A S

14th JUDICIAL DISTRICT

DEFENDANT PHILLIPS PETROLEUM COMPANY'S
CERTIFICATE OF WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

I hereby certify that a true copy of the following have been served upon Plaintiff in compliance with Rule 3.7(1)(a) and pursuant to the 1997 Amendment to Rules of Civil Trial Division on this the 28th day of August, 2000:

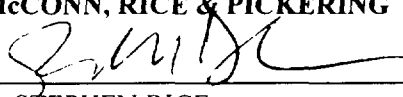
- Defendant Phillips Petroleum Company's Objections and Responses to Plaintiff Justin Wayne Keeth's First Request for Admissions and 2nd Request for Production

by serving their attorney(s) as follows:

Holly Huat
Stephanie Finch
Baron & Budd
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

B. STEPHEN RICE
State Bar No. 16838000
STEVEN M. DUBLE
State Bar No. 06144550
1200 Smith, Suite 400
Houston, Texas 77002
713-654-1111
713-655-9212-fax

Attorney for PHILLIPS PETROLEUM COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded by certified mail, return receipt requested, by regular mail, by facsimile, and/or by hand delivery on this 23rd day of Aug, 2000, to the following:

Holly Huart
Stephanie Finch
Baron & Budd
The Centrum
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
VIA CMRRR 255 961 803

All defense counsel by Regular Mail
(See attached list)


STEVEN M. DUBLE

OBJECTIONS TO DEFINITIONS

Defendant objects to the stated definition of the terms "Defendant," "You," "Your" and "Your Company" on the grounds it is overly broad and seeks to extend the definition beyond the scope of discovery allowed under the Texas Rules of Civil Procedure, including but not limited to inquiries relating to subsidiaries, foreign subsidiaries and other separately incorporated non-parties thus rendering the Plaintiff's stated definitions overly broad, vague and improper.

Defendant objects to the stated definition of the terms "Document," "Documents," "Written Materials" and "Printed Materials" on the grounds it is overly broad, vague and clearly outside the scope of permissible discovery under the Texas Rules of Civil Procedure. This Defendant would specifically object to the attempt to extend the definition of these terms as requiring the responding party to make a determination of what documents may be responsive to these Interrogatories and Requests for Production "regardless of who now has or formerly had custody, possession or control" on the ground that is clearly outside the scope of permissible discovery and could be construed as seeking disclosure of information that would be protected from discovery by virtue of the attorney work product exemption afforded by the Texas Rules of Civil Procedure and the Texas Rules of Civil Evidence.

Defendant would further object to the stated definition of the terms "Meeting" or "Meetings" on the grounds it is so overly broad and vague and renders each discovery request to which it may apply incapable of being answered; and therefore, improper under the Texas Rules of Civil Procedure.

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.

Defendant objects to the stated definition of "Defendant's Premises" or "Plant" or "Facility" on the grounds that it is overly broad, vague, ambiguous and fails to specify what plant(s), facility(ies) or location(s). Plaintiff references his Petition; however, the Petition fails to specify which plants or facilities Plaintiff claims are relevant.

Defendant objects to the stated definition "years at issue" on the grounds that it is overly broad, vague and ambiguous and because it fails to specify which years between 1963 and 1987 Plaintiff claims to have worked on Defendant's premise(s).

Defendant objects to the voluminous Requests for Production because many of them are repetitive and were propounded with Plaintiff's First Requests for Production to Defendant.

REQUEST FOR ADMISSION NO. 1

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE:

Defendant objects to this Request because the same is vague and overly broad as it is unlimited as to time and location. Subject to the foregoing objections and without waiving same, Defendant ADMITS that Defendant acquired asbestos-containing products during certain time periods.

REQUEST FOR PRODUCTION NO. 1:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE.

N/A.

REQUEST FOR ADMISSION NO. 2:

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 during the years at issue.

RESPONSE:

Defendant objects to this Request because it is vague and overly broad. The Request fails to define "utilized." Accordingly, Defendant DENIES, as worded. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case; limited to the matters presumably made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 2:

Produce all ordering and sales documents pertaining to the purchase or acquisition of such asbestos-containing products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Defendant objects to this Request in that it is vague, assumes facts not in evidence, and improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendants DENIES Plaintiff was employed by Defendant.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents that in any way pertain to abatement of asbestos-containing materials on Defendant's Premises, including but not limited to a removal plan or organized written criteria or schedule for the removal of asbestos at Defendants' Premises, and in operation and maintenance plan.

RESPONSE:

Objection. Defendant objects to this Request because it is overly broad and unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request because the Plaintiff was never involved in abatement activities and, thus, this Request is not relevant.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff worked on premises owned by Defendant or by a predecessor-in-interest of Defendant.

RESPONSE:

After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 4:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce all documents supporting your admission that Plaintiff was on Defendant's Premises.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises during the years at issue, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE

Objection. Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the specific premises site relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises during the years at issue, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the specific premises site relevant in this case, not limited to the contractor for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff worked on Defendant's Premises where Defendant used or applied asbestos-containing products.

RESPONSE:

Defendant has no knowledge as to whether the Plaintiff worked at Defendant's premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 8:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff, in the course and scope of his work as an employee of an independent contractor, worked around Defendant's employees who were using and/or applying asbestos-containing products.

RESPONSE:

Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 9

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

Defendant has no knowledge as to whether the Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Objection. Defendant objects to this Request because it is overly broad, unspecific, vague and ambiguous. Subject thereto, Defendant DENIES that breathing low levels of asbestos dust was considered a hazard in 1953.

REQUEST FOR PRODUCTION NO. 10:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 9:

Admit that Defendant was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the time period Plaintiff was working on Defendant's Premises.

RESPONSE:

DENIED as worded. Defendant admits only that during some years when Plaintiff claims to have been working on Defendant's premises, Defendant was aware of the presence or use of asbestos-containing products.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees 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 by your employees at any locations.

RESPONSE:

Defendant objects to this Request because it is overly broad, vague and ambiguous, and not limited to the facilities where Plaintiff claims exposure, nor is it limited to the relevant time periods. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not distribute any literature or warnings of any kind to its employees during the period of time Plaintiff worked on Defendant's Premises regarding the potential health hazards to those who breathe airborne asbestos dust.

RESPONSE:

Defendant has no knowledge as to whether or when Plaintiff worked on its premises, therefore, after reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 12:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 11:

Admit that Defendant consciously decided not to warn its employees of the dangers of asbestos.

RESPONSE:

DENIED.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1945 to the present for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Defendant objects to this Request because the same is overly broad, lacks specificity and the same is not limited to the time periods relevant to this case.

Subject thereto, Defendant is unable to deny as stated. The policy was that independent contractors were required to provide their own safety equipment to their employees, including respiratory protection.

REQUEST FOR ADMISSION NO. 13:

Admit that you did not erect containment barriers to prevent emission of asbestos dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

Subject thereto, Defendant admits that it utilized its judgment to provide protection from over exposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises.

REQUEST FOR PRODUCTION NO. 13:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 14

Admit that you did not utilize engineering controls such as isolation or enclosure at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing request, in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 15

Admit that you did not utilize ventilation or exhaust systems to divert dust at the worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 15:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or

products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 16:

Admit that you did not utilize dust collection engineering controls to trap airborne asbestos dust at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 16:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 17:

Admit that you did not require your employees to handle, mix, apply, remove, cut or score asbestos-containing products in a wet state to prevent emission of airborne asbestos fibers at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 17:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague and ambiguous, lacks specificity, and is not limited to relevant times or jobsites. Defendant specifically objects to the term "evacuate the premises" as vague and ambiguous. Defendant objects to this Request because it assumes that Defendant's

employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Without waiving the objection, Defendant responds as follows: Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request. Defendant admits that it has utilized its judgment to provide protection from over-exposure to asbestos dust as standards, judgment and knowledge of the hazards of asbestos dust have evolved over time.

REQUEST FOR PRODUCTION NO. 18:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 19:

Admit that you did not post warning, caution or hazard signs prior to the utilization of asbestos-containing materials by your employees at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises.

REQUEST FOR PRODUCTION NO. 19:

If you deny the foregoing request in whole or in part produce a documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not issue any warnings to others at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE:

Defendant objects to this Request because it assumes that Defendant's employees were using and/or applying asbestos products in the vicinity where Plaintiff was present. Defendant also objects because the Request is not limited in time and is, therefore, overly broad and unspecific. Because of these insufficiencies, Defendant cannot admit or deny the Request as stated.

Subject thereto, Defendant admits that it has utilized its judgment to provide protection from overexposure to asbestos dust as standards, judgment, and knowledge of the hazards of asbestos have evolved over time. Defendant has no knowledge as to whether Plaintiff worked on its premises. After reasonable inquiry, the information known or easily obtained by this Defendant is insufficient to enable Defendant to admit or deny this Request.

REQUEST FOR PRODUCTION NO. 20:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995);

Loflin v. Martin, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 21:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiffs employer, including but not limited to 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 on the ground that it is unduly burdensome, overly broad, lacking in specificity and not reasonably calculated to lead to the discovery of admissible evidence. Further, the Request fails to specify relevant time periods, worksites, or contractors which employed Plaintiff.

REQUEST FOR ADMISSION NO. 21:

Admit that the use of asbestos-containing materials on Defendant's Premises created a substantial risk of injury.

RESPONSE:

DENIED.

REQUEST FOR ADMISSION NO. 22:

Admit that during the years at issue, Defendant had the power to control Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 22:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 23:

Admit that, during the years at issue, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 23:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 24:

Admit that, during the years at issue, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 24:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 25:

Admit that during the years at issue, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 25:

If you deny the foregoing request, in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 26:

Admit that, during the years at issue, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 26:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 27:

Admit that, during the years at issue, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 27:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 28:

Admit that, during the years at issue, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 28:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 29:

Admit that, during the years at issue, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 29:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 30:

Admit that, during the years at issue, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 30:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 31:

Admit that during the years at issue, Defendant controlled Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 31:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 32:

Admit that during the years at issue, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 32:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 33:

Admit that, during the years at issue, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 33:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 34:

Admit that, during the years at issue, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 34:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 35:

Admit that, during the years at issue, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See*

Esparza v. Diaz, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 35:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 36:

Admit that, during the years at issue, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 36:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 37:

Admit that, during the years at issue, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 37:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 38:

Admit that, during the years at issue, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 38:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 39:

Admit that, during the years at issue, Defendant administered the use or condition of Defendant's premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the work performed by contractors and/or employees of contractors.

REQUEST FOR PRODUCTION NO. 39:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiff's work was performed.

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. See *Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR PRODUCTION NO. 40:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 41:

Admit that Defendant retained some control over the manner in which Plaintiff's employer performed the work requested by the Defendant.

RESPONSE:

Defendant objects to this Request as repetitive and improperly asks Defendant to admit a proposition of law. See *Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex. App. -- Houston [14th Dist.] 1990, no writ).

Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR PRODUCTION NO. 41:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing

expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 42:

Admit that Plaintiff was not entirely free to do the work on Defendant's Premises in his own way.

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR PRODUCTION NO. 42:

If you deny the foregoing request, in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 43:

Admit that Plaintiff's employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant cannot admit or deny that Plaintiff worked on this Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR PRODUCTION NO. 43:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 44:

Admit that asbestos-containing gaskets were installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 44:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 45:

Admit that asbestos-containing pipe covering was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 45:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 46:

Admit that asbestos-containing boilers were installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 46:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 47:

Admit that asbestos-containing fireproofing was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 47:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 48:

Admit that asbestos-containing joint compound was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 48:

If you deny the foregoing request in whole or in part, produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 49:

Admit that asbestos-containing insulation was installed at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad and not limited to the time period at issue nor to locations of and areas within Defendant's Premises where Plaintiff is alleged to have worked. Subject thereto, based upon present knowledge Defendant cannot, after reasonable inquiry, admit or deny this Request.

REQUEST FOR PRODUCTION NO. 49:

If you deny the foregoing request, in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 50:

Admit that such installation was done under your direction, supervision, and/or control.

RESPONSE:

DENIED.

REQUEST FOR PRODUCTION NO. 50:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to all documents identifying the entities or individuals who directed, supervised, and/or controlled such installation activities.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR PRODUCTION NO. 51:

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 because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813

(Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 51:

Admit that you supervised the health and safety procedures implemented by contractors working on Defendant's Premises.

RESPONSE:

DENIED.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiff's employer.

RESPONSE:

Defendant objects to this Request as overly broad, vague, ambiguous and not properly limited in time or scope, nor is it limited to matters pertaining to asbestos.

Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not protect the Plaintiff from exposure to asbestos on Defendant's Premises.

RESPONSE:

Defendant objects to this Request as overly broad, vague, ambiguous and not properly limited in time or scope, nor is it limited to matters pertaining to asbestos.

Subject thereto, Defendant cannot admit or deny that Plaintiff worked on Defendant's premises, but assuming that he did, then DENIED.

REQUEST FOR PRODUCTION NO. 52:

Produce all documents supporting the legal theories and factual bases of your defenses set forth in your response to Plaintiffs Request for Disclosure under Tex. R. Civ. P. 194.2, subparagraph (c).

RESPONSE:

Defendant objects to this Request. This Request is overly broad and fails to specify the documents sought with reasonable particularity. Defendant objects to this Request as overly broad, unspecific, vague and ambiguous. Defendant additionally objects because this Request seeks to require this Defendant to marshal its evidence, which is specifically prohibited by Rule 194.2(c). Further, the Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813

(Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 54:

Admit that Plaintiff's exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 53:

If you deny the foregoing request in whole or in part, produce a documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR ADMISSION NO. 55:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of asbestos-related injury.

RESPONSE:

Defendant objects to this Request because it assumes the Plaintiff has an asbestos-related injury. Defendant additionally objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, DENIED.

REQUEST FOR ADMISSION NO. 56:

Admit that Defendant did not reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products at Defendant's Premises.

RESPONSE:

Defendant objects to this Request as the same is repetitive and improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Further, this request is vague, ambiguous, and assumes facts not in evidence. Further, Defendant cannot admit or deny that Plaintiff worked at Defendant's premises, or if he did, that he was exposed. However, assuming that he did, DENIED.

REQUEST FOR PRODUCTION NO. 54:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

REQUEST FOR ADMISSION NO. 57:

Admit that Defendant's failure to reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury.

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Further, this request is overly broad, vague, ambiguous, and assumes facts not in evidence. Subject thereto, Defendant cannot

admit or deny that Plaintiff worked at Defendant's premises, or if he did, that he was exposed. However, assuming that he did, DENIED.

REQUEST FOR PRODUCTION NO. 55:

If you deny the foregoing request in whole or in part produce all documents supporting your denial.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 56:

If you contend that while at the premises on which you or your employees were working with asbestos-containing materials, Plaintiff was not exposed to sufficient quantities of asbestos dust to produce the disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 57:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposures other than asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this Request because it assumes that the Plaintiff has an asbestos related disease. Defendant further objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Subject thereto, see Plaintiff's work history sheets produced in response to discovery.

REQUEST FOR PRODUCTION NO. 58:

If you contend that Plaintiff does not suffer from the asbestos-related disease(s) complained of, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this Request because it is overly broad, assumes facts not in evidence, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant additionally objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, see documents produced regarding Plaintiff's x-rays, IME and medical condition. Defendant will produce any other records as they become available.

REQUEST FOR PRODUCTION NO. 59:

If you contend that Plaintiff was not exposed to asbestos dust at the premises on which you or your employees were working with asbestos-containing materials, produce all documents supporting your contention.

RESPONSE:

Defendant objects to this Request because it is overly broad, fails to specify the documents sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 60:

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 the same is overly broad, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).

REQUEST FOR PRODUCTION NO. 61:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs 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) described in the preceding paragraphs.

RESPONSE:

Defendant objects to this Request as the same is overly broad, vague, unlimited in time, not limited to the relevant areas of inquiry in this case, and not reasonably calculated to lead to the discovery of admissible evidence. The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995);

Loftin v. Martin, 776 S.W.2d 145 (Tex.1989). Defendant further objects because this request seeks to require production of documents protected by the attorney-client and work product privileges.

REQUEST FOR ADMISSION NO. 58:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of discovering his asbestos-related condition or the existence of any asbestos-related causes of action.

RESPONSE:

Defendant objects to this Request because it assumes facts not in evidence, i.e. that Plaintiff has an asbestos-related condition. Subject thereto, Defendant does not have enough information at this time to admit or deny this request and does not know when Plaintiff "discovered" his alleged condition.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiff's asbestos related illness.

RESPONSE:

Defendant objects to this Request because it assumes the Plaintiff has an asbestos-related injury. Defendant additionally objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, DENIED.

REQUEST FOR ADMISSION NO. 60:

Admit that asbestos is still in use and/or in place on Defendant's Premises.

RESPONSE:

Defendant objects to this Request because it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objection, Defendant admits only that some asbestos is still in place in Defendant's premises.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Defendant admits that some asbestos-containing materials are still in places on its premises and assuming this constitutes "use" in Plaintiff's request, then DENIED.

REQUEST FOR ADMISSION NO. 62:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), 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 because it is overly broad, vague, ambiguous and unspecific and multifarious and seeks to require this Defendant to marshal its evidence. This Request seeks to incorporate many different requests in one Request for Production and therefore cannot possibly be responded to. Defendant objects to this Request because it fails to specify the documents sought with reasonable particularity and amounts to a "fishing expedition." The Texas Supreme Court has held in several cases over the last few years that discovery requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. *See In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Departments Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989).