

employee has not been contacted and questioned concerning the items included in this Request for Production of Documents.

Further, Dow and its attorneys have not completed their discovery and investigation in preparation for trial, nor have they concluded their analysis of information gathered to date. These responses, therefore, are based upon information presently available to Dow and its attorneys and specifically known to the individuals who are preparing these responses.

It is anticipated that future discovery and independent investigation may supply additional facts or information, add meaning to known facts, and may establish entirely new factual conclusions and contentions, all of which may lead to substantial additions through changes in and variations from the responses set forth.

These responses are made without prejudice to the rights of Dow to produce evidence at the time of trial.

GENERAL OBJECTIONS

1. Dow objects to the "Definitions" and "Instructions" set forth by plaintiff as overly broad, unduly burdensome, oppressive and not reasonably calculated to lead to the discovery of admissible evidence. Dow further objects to any request that

seeks to alter the obligations placed on Dow by the Pennsylvania Rules of Civil Procedure, applicable law or the Rules of Court. Dow will respond pursuant to the Pennsylvania Rules of Civil Procedure, giving each term its commonly understood and used meaning.

2. Dow objects to the overall burdensome nature of plaintiff's requests. Due to the passage of time and the unavailability of records, it would be burdensome and costly for Dow to compile information which spans a time period of nearly thirty (30) years.

3. Dow objects to any request that seeks information which is protected by the attorney-client privilege, the attorney work product doctrine (including the mental impressions, conclusions, opinions or legal theories of Dow's attorneys or other representatives of Dow concerning the litigation), or other trial preparation material protected from disclosure under the Pennsylvania Rules of Civil Procedure.

4. Dow objects to any request that seeks the disclosure of confidential, proprietary, trade secret, financial or commercially sensitive business information.

5. Dow objects to any request that seeks information already known to plaintiff or to the extent that it is related to

or requires the production or identification of documents, writings, records or publications in the public domain, or documents which are equally available to plaintiff or which are available to plaintiff from sources other than Dow. Such requests are overly broad and unduly burdensome. Specifically, without limiting the foregoing, Dow objects to plaintiff's requests to the extent that such requests call for information contained in or the production of:

- a. publicly available scientific or medical journals, books, treatises, textbooks and other compilations;
- b. publicly available records or files maintained by governmental offices or agencies; and
- c. documents or records within plaintiff's possession or control.

6. Dow objects to any request to the extent that it is overly broad, unduly burdensome, oppressive and/or seeks information or documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

7. Dow objects to any request to the extent that it seeks information regarding products other than vinyl chloride

monomer and/or medical conditions other than those alleged by plaintiff in her Complaint, i.e., other than glioblastoma multiforme.

8. Dow objects to any request to the extent that it seeks information or documents outside of plaintiff's decedent's alleged period of employment and/or outside of plaintiff's decedent's alleged period of exposure to Dow's vinyl chloride monomer. To the extent that plaintiff's requests seek information relative to other time periods, they are overly broad, unduly burdensome, oppressive, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

9. Dow objects to these requests as premature and seeking information or documents which are irrelevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence, until it has been shown that plaintiff's decedent was exposed to Dow's vinyl chloride monomer.

10. Dow objects to these requests to the extent that they seek to discover "all" documents, as overly broad, unduly burdensome, oppressive, unreasonably cumulative and duplicative, not susceptible to reasonable limitation and unduly vague and ambiguous.

RESPONSES AND OBJECTIONS TO PLAINTIFF'S REQUEST FOR PRODUCTION

1. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 5, 6, 7, 8 and 9. This request is further objected to, to the extent that it requests information and/or documents which are privileged and protected from disclosure as the work product of answering defendant's attorneys and/or because the information contains and/or represents the mental impressions, conclusions and/or opinions respecting the value or merit of a claim or defense and/or respecting strategy or tactics of the representatives of answering defendant, or the conclusions, opinions, memoranda, notes, summaries, legal research or legal theories of answering defendant's attorneys. This request is further objected to, to the extent that it is beyond the scope of expert discovery permitted under the Pennsylvania Rules of Civil Procedure. Furthermore, plaintiff's request for production of insurance policies is unduly burdensome and oppressive, is premature, seeks information which is irrelevant to the issues in this action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, please refer to Exhibit "A," which is a summary of Dow's insurance coverage in effect during plaintiff's decedent's alleged exposure period. See also responses to Interrogatories Nos. 58 and 66.

2. See response to Interrogatory No. 61.

3. See responses to Interrogatory No. 63 and Requests Nos. 6-8. Dow further objects to this request on the grounds that it is overly broad, unduly vague and ambiguous in that plaintiff nowhere defines the phrase "type of product involved in this alleged exposure," nor does she define what she means by the phrase "any other matter related to or involved in this matter and/or Plaintiff/decedent."

4. See response to Request No. 1.

5. Dow objects to this request to the extent that it is beyond the scope of expert discovery permitted under the Pennsylvania Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Dow has not yet decided which, if any, experts it will call at trial. Expert reports or Answers to Expert Interrogatories will be submitted in accordance with the Pennsylvania Rules of Civil Procedure.

6-8. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 5, 6, 7, 8 and 9. These requests are further objected to in that they are not reasonably limited to the exposure situation applicable to this case. Dow further objects to these requests on the grounds that they are overly broad and unduly burdensome in that they seek discovery of materials prepared for the benefit of Dow's customers other than

plaintiff's decedent's employer. Subject to and without waiving the foregoing objections, please see Exhibit "B."

9-10. See responses to Request No. 1 and Interrogatory No. 14. These requests are further objected to in that they are not reasonably limited as to time frame, the health effects alleged in this case and the exposure situation applicable to this case. Dow further objects to these requests to the extent that they are beyond the scope of expert discovery permitted under the Pennsylvania Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please refer to the Dow-published studies on VCM attached as part of Exhibit "F."

11. Dow incorporates by reference its General Objections, particularly nos. 2, 5, 6, 7, 8 and 9. Dow further objects to this request on the grounds that it is overly broad, unduly burdensome, unduly vague and ambiguous in that it fails to set forth with particularity what is meant by the phrase "change in the condition" of Dow's product. Subject to and without waiving the foregoing objections and responding to this request for the time period of plaintiff's decedent's alleged exposure, due to Dow's records retention schedule, the requested documents, if there were any, no longer exist.

12. Dow incorporates by reference its General Objections, particularly nos. 2, 5, 6, 7, 8 and 9. Subject to and

without waiving the foregoing objections, please refer to the documents attached as Exhibit "B." Please also see Dow's Responses to Plaintiff's Interrogatories referred to in this request.

13. See Dow's Responses to Plaintiff's Interrogatories referred to in this request. Subject to and without waiving the foregoing objections, please refer to the Material Safety Data Sheets, product brochures and labels attached as Exhibit "B" and the sales records attached as Exhibit "C."

14. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 4, 6, 7, 8 and 9. Subject to and without waiving the foregoing objections, see responses to Request No. 13 and Interrogatories Nos. 8 and 9.

15. See response to Interrogatory No. 22.

16. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 6, 7, 8 and 9. This request is further objected to in that it is not reasonably limited as to the exposure situation applicable to this case. Subject to and without waiving the foregoing objections, please refer to the documents attached as Exhibit "B."

17. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 5, 6, 7, 8 and 9. This request

is further objected to in that it is not reasonably limited as to time frame, the health effects alleged in this case and the exposure situation applicable to this case.

18. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 4, 6, 7, 8 and 9. This request is further objected to in that it is not reasonably limited to the exposure situation applicable to this case. Dow further objects to this request on the grounds that it is overly broad, unduly vague and ambiguous as to the meaning of the phrase "product safety committee or its functional equivalent" and as to the term "this type product."

19. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 4, 6, 7, 8 and 9. This request is further objected to in that it is not reasonably limited as to time frame, the health effects alleged in this case and the exposure situation applicable to this case. Dow further objects to this request on the grounds that it is overly broad, unduly vague and ambiguous as to the term "this type of product." This request is further objected to, to the extent that it is beyond the scope of expert discovery permitted under the Pennsylvania Rules of Civil Procedure. Dow further objects to this request to the extent that it requests information protected by the physician-patient privilege which Dow legally cannot waive.

20. See response to Interrogatory No. 43 and Exhibit "D," attached.

21. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 5, 6, 7, 8 and 9. This request is further objected to in that it is not reasonably limited as to time frame, the health effects alleged in this case and the exposure situation applicable to this case. Dow further objects to this request to the extent that it requests information protected by the physician-patient privilege which Dow legally cannot waive. Furthermore, this request is vague and ambiguous in that plaintiff fails to set forth with particularity all of the specific regulations and agencies to which she refers.

22. Dow incorporates by reference its General Objections, particularly nos. 2, 4, 5, 6, 7, 8 and 9. This request is further objected to in that it is overly broad, unduly vague and ambiguous, in that plaintiff fails to set forth with particularity the meaning of the phrase "this type product." Subject to and without waiving the foregoing objections, please see the patent information on vinyl chloride monomer attached as Exhibit "E."

23. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 4, 5, 6, 7, 8 and 9. Dow further objects to this request on the grounds that it is overly broad, unduly vague and ambiguous as to the meaning of the terms

"design," "protocols," "safety considerations" and "this type product."

24. Dow incorporates by reference its General Objections, particularly nos. 6, 7, 8 and 9. This request is further objected to in that it is misleading because it assumes that Dow's product constitutes a "hazard" and that exposure to it will result in the contraction of the particular disease allegedly contracted by plaintiff's decedent. This request is further objected to in that said regulation was not in effect during the period of plaintiff's decedent's alleged exposure.

25. Dow incorporates by reference its General Objections, particularly nos. 2, 6, 7, 8 and 9. Subject to and without waiving the foregoing objections, please refer to the Material Safety Data Sheets attached as part of Exhibit "B."

26. Dow incorporates by reference its General Objections, particularly nos. 2, 3, 4, 6, 7, 8 and 9. This request is further objected to, to the extent that it requests information and/or documents which are privileged and protected from disclosure as the work product of answering defendant's attorneys and/or because the information contains and/or represents the mental impressions, conclusions and/or opinions respecting the value or merit of a claim or defense and/or respecting strategy or tactics of the representatives of answering defendant, or the conclusions,

opinions, memoranda, notes, summaries, legal research or legal theories of answering defendant's attorneys. This request is further objected to, to the extent that it is beyond the scope of expert discovery permitted under the Pennsylvania Rules of Civil Procedure. Subject to and without waiving the foregoing objections, please refer to the Dow-published studies on VCM, attached as part of Exhibit "F." Also, please refer to Exhibit "B."

27. Dow incorporates by reference its General Objections, particularly nos. 2, 6, 7, 8 and 9. This request is further objected to in that it is not reasonably limited as to time frame, the health effects alleged in this case and the exposure situation applicable to this case. Subject to and without waiving the foregoing objections, information relating to "entries into Dow's OSHA 200 Log" has a five-year retention period by both OSHA and Dow, and therefore, documents, if there were any, covering the time period of plaintiff's decedent's alleged exposure, no longer exist.

28. See Dow's responses to Requests Nos. 6, 7, 8 and 14 and Interrogatory No. 53. Dow further objects to this request on the grounds that it is overly broad, unduly vague and ambiguous as to the phrase "this type product." Subject to and without waiving the foregoing objections, and responding to this request for the time period of plaintiff's decedent's alleged exposure, due to

Dow's records retention schedule, the requested documents, if there were any, no longer exist.

29. See Dow's Objections and Answers to Plaintiff's Interrogatories and Request for Production of Documents and Exhibits thereto.

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