

**CAUSE NO. 00-03333-D**

JAMES WAYNE BANKS, ET AL

VS.

GAF CORPORATION, ET AL

§  
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§  
§

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

95<sup>TH</sup> JUDICIAL DISTRICT

**EXXONMOBIL CORPORATION'S AMENDED OBJECTIONS AND  
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES  
REQUEST FOR PRODUCTION, AND REQUEST FOR ADMISSIONS  
PROPOUNDED TO PREMISES DEFENDANTS**

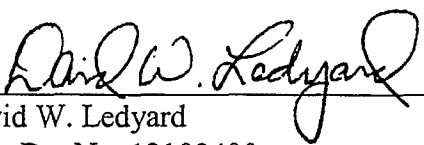
PLAINTIFF'S  
EXHIBIT  
EXX-275

TO: Plaintiff, James W. Banks, et al by and through his attorney of record, Leanne Jackson,  
BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW, EXXONMOBIL CORPORATION, one of the Defendants in the above styled cause,  
and makes and files its Objections and Responses to Plaintiff's First Set of Interrogatories, Request for  
Production, and Request for Admissions Propounded to Premises Defendants.

Respectfully submitted,

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

  
\_\_\_\_\_  
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ATTORNEYS FOR DEFENDANT,  
EXXONMOBIL CORPORATION

## **B. OBJECTIONS TO PLAINTIFF'S DEFINITIONS**

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

## DEFENDANT'S OBJECTIONS AND ANSWERS TO DISCOVERY

### INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, state the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant.

### ANSWER:

Defendant objects to this interrogatory to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5.

Without waiving the foregoing objections, Defendant responds as follows: These responses were prepared based on information gathered by defense counsel along with assistance of in-house counsel and other legal staff.

### 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 as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on this Defendant's premises, to the premises on which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, it is admitted that Defendant purchased certain asbestos-containing products at certain times and for use in certain locations.

### REQUEST FOR PRODUCTION NO. 1:

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

### RESPONSE:

Not applicable.

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 between the years 1964 and 1987.

RESPONSE:

Defendant objects to this request as vague, ambiguous and overly broad and to the extent it is not limited in time nor scope to time periods when Plaintiff was allegedly on Defendant's premises, to the premises on which Plaintiff was allegedly present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly present. Defendant objects to this request as the term "utilized" is vague, ambiguous and subject to multiple interpretations in the context of this suit. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, it is admitted that Defendant utilized certain asbestos containing products at certain locations and at certain times.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestos-containing products used at Defendant's Premises and for each product state the following:

- a. What these products were used for
- b. From whom these products were purchased
- c. Where these products were installed
- d. Specific persons or contractors who install these products
- e. The first year each product was no longer purchased and installed on Defendant's premises.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly was present on Defendant's premises, nor limited to the premises at which Plaintiff allegedly was present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly was present. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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

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 as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous and argumentative because the request assumes Plaintiff on Defendant's premises. Defendant further objects to this request as overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly was present and, therefore, is not relevant. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as Plaintiff was not an employee of this Defendant

INTERROGATORY NO. 3:

Please state whether any asbestos-containing products in place or in use at Defendant's Premises have been abated at any time.

- a. If so, list each person or company that performed such abatement services (including address and telephone number)
- b. State the dates and locations of each abatement procedure;
- c. State which asbestos-containing products were abated.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the extent this interrogatory is not limited to premises on which Plaintiff allegedly worked, nor to the areas within Defendant's premises Plaintiff allegedly worked. Further this interrogatory is overly broad in that it seeks information for time periods other than those upon which Plaintiff's claims are based. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 Defendant's Premises, and in operation and maintenance plan.

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the extent this request is not limited to premises on which Plaintiff allegedly worked nor to the areas within Defendant's premises Plaintiff allegedly worked. Further Defendant objects to the phrase "operation and maintenance plan" as vague, ambiguous and, as such, renders a response impossible without speculation as to the meaning of this phrase. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the extent this request is not limited to premises on which Plaintiff allegedly worked nor to the areas within Defendant's premises Plaintiff allegedly worked. Further Defendant objects to the word "worked" as vague, ambiguous and, as such, renders a response impossible without speculation as to the meaning of this phrase. To the extent this request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, this request is overly broad and irrelevant. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies 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 as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the extent this request is not limited to premises on which Plaintiff allegedly worked nor to the areas within Defendant's premises Plaintiff allegedly worked. Further Defendant objects to the word "worked" as vague, ambiguous and, as such, renders a response impossible without speculation as to the meaning of this phrase. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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:

**Not applicable.**

REQUEST FOR PRODUCTION NO 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1964 and 1987, 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:

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

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the dates 1964 and 1987, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

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

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1964 and 1987, and for each, state:

- a. The type of work performed by the contractor
- b. The dates such work was performed;
- c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

ANSWER:

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

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1964 and 1987, 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 as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1964 and 1987.

ANSWER:

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

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to the extent this request is not limited to premises on which Plaintiff allegedly worked nor to the areas within Defendant's premises Plaintiff allegedly worked. Further Defendant objects to the word "worked" as vague, ambiguous and, as such, renders a response impossible without speculation as to the meaning of this phrase. To the extent this request is intended to encompass all areas of Defendant's premises, including those where Plaintiff did not work, this request is overly broad and irrelevant. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Not applicable.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s)? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further Defendant objects to the word "working" as vague, ambiguous in the context of this case. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when

Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects because the terms "his work", "worked around", and "employee of an independent contractor" are vague and ambiguous in the context of this case. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

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 as vague, ambiguous and overly broad and subject to multiple of interpretations. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's' premises where Plaintiff allegedly worked. Defendant further objects because the phrase "employee an independent contractor" is vague and ambiguous in the context of this case. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 objects to this request as vague, ambiguous and overly broad and subject to multiple of interpretations. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects because the phrase "Plaintiff worked" is vague and ambiguous in the context of this case. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1964 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and

material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request in that it is vague and ambiguous in that the phrase "health hazard" as defined in Plaintiff's definitions is so overly broad that Defendant does not know which health hazard is being referred and renders a response impossible without speculation as to the meaning of this phrase. Since "health hazards" often are dependent on the quantity of exposure, this request is vague and ambiguous because the quantity of exposure had not been defined. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant answers that it is impossible to know in an organization the size of this Defendant exactly what year it would have obtained this kind of information.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Not applicable.

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:

Defendant objects to this insofar as it assumes Plaintiff worked on Defendant's premises. Defendant objects that Plaintiff has not sufficiently identified the periods of time or the location(s) within Plaintiff's facility where Plaintiff is alleging to have worked. Defendant further objects to this request because the phrase "was working" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that it was aware that certain asbestos-containing products were used at certain locations during certain periods of time.

REQUEST FOR PRODUCTION NO. 12:

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 as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when

Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations. Further, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazards". Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 7:

Please identify any and all warnings ever given by Defendant, if any, to Plaintiffs regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and, therefore, is not relevant. Defendant further objects to the terms "hazards" and "dangers of asbestos and the dangers inherent inhalation" as vague and ambiguous and response impossible without speculation as to the meaning of this phrase. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant states that Plaintiff was not an employee of this Defendant and Plaintiff has not sufficiently established when he was on Defendant's premises.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and, therefore, is not relevant. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant states that Plaintiff was not an employee of this Defendant and Plaintiff has not sufficiently established when he was on Defendant's premises.

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 objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited to any area within Defendant's premises where Plaintiff allegedly worked and, therefore, is not relevant. Defendant further objects because it assumes Plaintiff worked at Defendant's premises. Defendant further objects because the terms "hazards" and "worked on Defendant's premises" are vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, after reasonable inquiry, Defendant is unable to admit or deny at this time.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Not applicable.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at job-sites where Defendant's employees were performing services. In your answer, please state:

- a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and
- b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this interrogatory as vague and ambiguous in that the phrase "safety policy" is not defined and so overly broad that Defendant does not know which "safety policy" is being referred and renders a response impossible without speculation as to the meaning of this phrase. In addition, Defendant objects to this interrogatory as it implies that Plaintiff was an employee of this Defendant and Plaintiff has not sufficiently established when he was even on Defendant's premises. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request as vague and ambiguous in that the term "safety policy" is not defined and so overly broad that Defendant does not know which "safety policy" is being referred and renders a response impossible without speculation as to the meaning of this phrase. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Further Defendant objects to this request as it is argumentative. In addition, Defendant objects to the term "dangers" as vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving these objectives, Defendant denies this request.

INTERROGATORY NO. 9:

Do you contend that Defendant specifically warned Plaintiff about the hazards of asbestos and asbestos-containing products? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

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

INTERROGATORY NO. 10:

Describe all safety precautions taken by you or your employees (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiffs) from the hazards resulting from the use of asbestos-containing products by your employees at any locations.

ANSWER:

**Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. To the extent this interrogatory seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

INTERROGATORY NO. 11:

Have you ever provided safety equipment to persons working on Defendant's Premises? If so, please list the safety equipment provided and indicate:

- a. when the equipment was first provided
- b. to whom the equipment was provided
- c. under what circumstances the equipment was provided
- d. Further, identify the person with the most knowledge of your "safety equipment" policies.

ANSWER:

**Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. To the extent this interrogatory seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1964-1987 for the purpose of protecting these employees from inhaling asbestos.

RESPONSE:

Defendant objects to this request as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request insofar as it assumes Defendant had a duty to provide equipment to Plaintiff who worked at Defendant's premises as an expert in the field of asbestos insulation, the qualities and characteristics. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

INTERROGATORY NO. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products in any of your facilities. Please state where and when these tests were conducted, by whom these tests were conducted, and the results of any such test.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this interrogatory as overly broad, vague and ambiguous in that the terms "tests" and "using" are not defined and so overly broad and Defendant does not know which "tests" is being referred and renders a response impossible without speculation as to the meaning of this phrase. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant responds that it does not have detailed knowledge of all tests conducted at the facilities over the years.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1964 to determine the quantity of asbestos fibers in the air at Mobil Oil Corporation's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to each interrogatory to the extent that it is not limited to the premises on which Plaintiff allegedly worked and that the information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. For instance, this objection refers to, but is not limited to Plaintiff's use of such general terms as "studies." To the extent this interrogatory

seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant. TRCP 192.3(a). Defendant objects to this interrogatory because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to this interrogatory to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

ANSWER:

Defendant objects to this interrogatory as overly broad and burdensome and calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant further objects to the phrases "regulatory agency" and "governing body" as vague and ambiguous in that they are not defined and so overly broad that Defendant does not know which "regulations" is being referred and renders a response impossible without speculation as to the meaning of these phrases. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 work-sites where Plaintiff worked.

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, based on reasonable inquiry, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Not applicable.

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 worked.

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, based on reasonable inquiry, Defendant denies this request as written.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Not applicable.

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 worked.

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

**Without waiving the foregoing, based on reasonable inquiry, Defendant denies this request.**

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

**Not applicable.**

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

**Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

**Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.**

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

**Not applicable.**

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff worked.

RESPONSE:

**Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas**

within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Not applicable.

INTERROGATORY NO. 15:

Have you ever warned workers on Defendant's Premises of the hazards of asbestos and asbestos-containing products? If so, describe in detail the methods of such warnings, who you warned and when. Please include in your response a description of any written warnings relating to the hazards of asbestos in place at Defendant's Premises and state when the written warnings were installed, how many were installed, and whether they have been removed.

ANSWER:

Defendant objects to this interrogatory to the extent that it is not limited to the premises on which Plaintiff allegedly worked, is overly broad, vague, ambiguous, and unduly burdensome. Defendant objects to this interrogatory because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to this interrogatory to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "in place" and/or "hazards" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 16:

Have you ever had a policy requiring workers on Defendant's premises to use respirators? If so, please:

- a. state when this policy was implemented;
- b. describe this policy in detail;
- c. state to whom it applied (i.e. Defendant employees and contractor employees);
- d. and describe what types and brand names of respirators were required by you.

ANSWER:

Defendant objects to this interrogatory to the extent that it is not limited to the premises where Plaintiff allegedly worked, is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this interrogatory because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant further objects to this interrogatory to the extent that the information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. For instance, this objection refers to, but is not limited to Plaintiff's use of such general terms as "policy." To the extent this interrogatory seeks information unrelated to the subject matter of this lawsuit, the information sought is irrelevant. TRCP 192.3(a). This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 worksites where your employees were using asbestos-containing materials, including the worksites where Plaintiff was present.

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "utilization". This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have worked nor to the specific areas within the premises upon which Plaintiff claims to have worked. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the term "using". This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing, based on reasonable inquiry, Defendant is unable to admit or deny this request as written as to every conceivable work site.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

**Not applicable.**

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1964 and 1987, 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 Plaintiffs employer.

RESPONSE:

**Defendant objects to this request as it is overly broad in that it is not limited to the facilities at which Plaintiff claims to have been present nor to Plaintiff's employer. As such, this request is overly broad and overly burdensome and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

**Defendant objects to this request as overly broad in that it is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have been present nor to the specific areas within the premises upon which Plaintiff claims to have been present. Defendant further objects to this request as it is vague and ambiguous and calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as it does not identify the work sites where Plaintiff alleges he worked. Defendant further objects to this request as vague and ambiguous as respects to the terms "use" and "substantial risk of injury. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

**Without waiving the foregoing objections, Defendant denies this request.**

REQUEST FOR ADMISSION NO. 22:

Admit that between the years of 1964 and 1987, Defendant had to power to control Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as vague, ambiguous, overly broad to the extent it is not limited in time or scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as vague, ambiguous, overly broad to the extent it is not limited in time or scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly

**broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

**REQUEST FOR ADMISSION NO. 23:**

Admit that, between the years 1964 and 1987, Defendant had the power to manage the use or condition of Defendant's Premises.

**RESPONSE:**

**Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as vague, ambiguous, overly broad to the extent it is not limited in time or scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.**

**Defendant objects to this request for admission to the extent that the phrase "power to manage the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

**Without waiving the foregoing objections, Defendant denies this request as written.**

**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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as vague, ambiguous, overly broad to the extent it is not limited in time or scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.**

**Defendant objects to this request for production to the extent that the phrase "power to manage the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this**

particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years of 1964 and 1987, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to direct the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to direct the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years of 1964 and 1987, Defendant had the power to superintend the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to superintend the use or conditions of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery

responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to superintend the use or conditions of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years of 1964 and 1987, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to restrict the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the

meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to regulate the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years of 1964 and 1987s, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to regulate the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 as vague, ambiguous and overly broad and subject to multiple of interpretations. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to regulate the use or condition of Defendant's premises is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request call for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years of 1964 and 1987, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to govern the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to govern the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the

various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years of 1964 and 1987, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to oversee the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to oversee the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years of 1964 and 1987, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "power to administer the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "power to administer the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years of 1964 and 1987, Defendant controlled Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "controlled Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "controlled Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "managed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the

contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "managed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "directed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task

or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "directed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years of 1964 and 1987, Defendant superintended the use or conditions of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly

worked.

Defendant objects to this request for admission to the extent that the phrase "superintended the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "superintended the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request for admission to the extent that the phrase "restricted the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "restricted the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "regulated the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "regulated the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to

take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "governed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "governed the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the

meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years of 1964 and 1987, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "oversaw the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods

when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "oversaw the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years of 1964 and 1987, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for admission to the extent that the phrase "administered the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request for production to the extent that the phrase "administered the use or condition of Defendant's premises" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 40:

Admit that Defendant retained some control over the manner in which Plaintiffs work was performed.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked and worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant objects to this request for admission to the extent that the phrase "retained some control" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because

independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. present, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked and worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "plaintiff's work" vague, ambiguous and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant objects to this request for admission to the extent that the phrase "retained some control" is vague, ambiguous and overly broad, which renders this particular request unintelligible and renders a response impossible without speculation as to the meaning of the term. The request calls for a legal conclusion. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen, and Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 17:

Do you contend that at no time between the years of 1964 and 1987, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of Mobil Oil Corporation facility, who were engaged in activities which could be potentially hazardous to either themselves or to the employees of Defendant? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory in that this interrogatory calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this interrogatory the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazardous". Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a).

Without waiving the foregoing objections, Defendant respond as follows: Independent contractors were retained by Defendant to perform various activities on their premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of the work was left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of contractors' day to day activities regarding safety would come from the contractors' employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "Plaintiff's employer" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the phrase "retained some control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and

the control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies 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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for production to the extent that Plaintiff does not specify what work was performed, thereby making the phrase "Plaintiff's employer" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request to the extent that the phrase "retained some control" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work he allegedly performed on Defendant's premises, thereby making the phrase "entirely free to do the work on Defendant's premises in his own way" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request as written.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify what work he allegedly performed on Defendant's premises, thereby making the phrase "entirely free to do the work on Defendant's premises in his own way" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and the control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 vague, ambiguous and overly broad and subject to multiple of interpretations. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work Defendant requested his employer perform, thereby making the phrases "do the work requested" and "entirely free do the work on Defendant's premises in his own way" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrases. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies 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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work Defendant requested his employer perform, thereby making the phrases "do the work requested" and "entirely free do the work on Defendant's premises in his own way" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrases.

Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

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

Without waiving the foregoing objections, it is admitted that asbestos-containing gaskets were installed at certain locations and at certain times.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

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

**Without waiving the foregoing objections, it is admitted that asbestos containing pipe covering was installed at certain locations and at certain times.**

**REQUEST FOR PRODUCTION NO. 48:**

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

**RESPONSE:**

**Not applicable.**

**REQUEST FOR ADMISSION NO. 46:**

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

**RESPONSE:**

**Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.**

**Without waiving the foregoing objections, it is admitted that asbestos containing boilers were installed at certain locations and at certain times.**

**REQUEST FOR PRODUCTION NO. 49:**

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

**RESPONSE:**

**Not applicable.**

**REQUEST FOR ADMISSION NO. 47:**

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

**RESPONSE:**

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

**Without waiving the foregoing objections, it is admitted that asbestos containing fire proofing was installed at certain locations and at certain times.**

**REQUEST FOR PRODUCTION NO. 50:**

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

**RESPONSE:**

**Not applicable.**

**REQUEST FOR ADMISSION NO. 48:**

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

**RESPONSE:**

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

**Without waiving the foregoing, it is admitted that asbestos containing joint compound was installed at certain locations and at certain times.**

**REQUEST FOR PRODUCTION NO. 51:**

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

**RESPONSE:**

**Not applicable.**

**REQUEST FOR ADMISSION NO. 49:**

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

**RESPONSE:**

**Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods**

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

Without waiving the foregoing, it is admitted that asbestos containing insulation was installed at certain locations and at certain times.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises at which Plaintiff allegedly worked, nor the area(s) within any Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "your direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, after reasonable inquiry, Defendant are unable to admit or deny.

REQUEST FOR PRODUCTION NO. 53:

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. Defendant objects to this request as vague, ambiguous, and subject to multiple interpretations. Defendant further objects to this request as it is overly broad in that it is not limited in time nor scope either to time periods when Plaintiff allegedly worked on Defendant's premises, to the premises at which Plaintiff allegedly worked, nor the area(s) within any Defendant's premises where Plaintiff allegedly worked. Defendant further objects to this request for admission to the extent that the terms "such installation" and "your direction, supervision and/or control" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

INTERROGATORY NO. 18:

Please state the first year you learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards.

ANSWER:

Defendant objects to this interrogatory in that this interrogatory calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this interrogatory as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this interrogatory the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "inhalation", "hazards", and/or "injury" and/or "physical injury" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 54:

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, this request includes terms used therein which are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the terms. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify which contractor was his employer or what work was performed by that contractor, thereby making the phrases "health and safety practices" and "implemented by contractors" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrases. Defendant further objects to this request for admission to the extent that the term "supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiffs employer.

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request for admission to the extent that Plaintiff does not specify his employer or what work was performed by his employer, thereby making the phrase phrases "health and safety practices" and "implemented by Plaintiff's employer" vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the phrase. Defendant further objects to this request for admission to the extent that the phrase "you supervised" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. Independent contractors were retained by Defendant to perform various activities on the premises because independent contractors were experts in the various fields in which they were retained. The contractors were independent and control over the details of their work were left to their expertise. Further, each independent contractor agrees to take all reasonable precautions to protect the workmen. Defendant anticipated that most, if not all, advice and the control of the contractors' day to day activities regarding safety would come from the contractor employer. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to request for admission to the extent that the term "protect" is vague, ambiguous, and overly broad, which renders this particular request unintelligible,

and renders a response impossible without speculation as to the meaning of the term. Further, Defendant objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, or activity about which Plaintiff is inquiring. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the these objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Defendant objects to the request as premature and a violation of the attorney work product privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant will produce documents and trial exhibits as required by the TRCP.

INTERROGATORY NO. 19:

Do you contend that Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no", identify each and every fact which supports this contention.

ANSWER:

Defendant objects to this interrogatory insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos, which is subject to question. Defendant further objects to this interrogatory as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Defendant objects to the phrase "substantial contributing factor" as vague and ambiguous and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, yes.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Defendant objects to this request in that the phrases "Plaintiff's exposure" and "substantial contributing factor" and "asbestos-related injury" are vague, indefinite and ambiguous. Defendant

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

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Defendant objects to this request in that the phrases "Plaintiff's exposure" and "substantial contributing factor" and "asbestos-related injury" are vague, indefinite and ambiguous. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have been present, nor to the specific areas where Plaintiff claims to have been present. Defendant further objects to this request for admission to the extent that the phrase "reasonable care to reduce or eliminate the risk of asbestos-related injury" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

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 in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have been present, nor to the specific areas where Plaintiff claims to have been present. Defendant further objects to this request for admission to the extent that the phrase "reduce or eliminate the unreasonable risk of harm posed by the use of asbestos-containing products" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Defendant objects to this request in that this request calls for information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as overly broad in that it is not limited in time nor scope to time periods when Plaintiff allegedly worked on Defendant's premises, nor limited to the premises at which Plaintiff allegedly worked, nor the area(s) within any of Defendant's premises where Plaintiff allegedly worked.

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. It is not limited to any applicable time period nor in scope to the premises upon which Plaintiff claims to have been present, nor to the specific areas where Plaintiff claims to have been present. Defendant further objects to this request for admission to the extent that the terms "unreasonable risk of harm" and "use" are vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

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 insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos [or that Plaintiff has an asbestos related inquiry], which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Defendant further objects to this request for admission to the extent that the phrase "reduce or eliminate the risk of harm to Plaintiff was a substantial factor in bringing about Plaintiff's asbestos-related injury" is vague, ambiguous, and overly broad, which renders this particular request unintelligible, and renders a response impossible without speculation as to the meaning of the term. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant denies this request.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

Defendant objects to this request insofar as it assumes Plaintiff worked on Defendant's premises and that he was exposed to asbestos or that Plaintiff has an asbestos related inquiry], which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 59:

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 insofar as it assumes Plaintiff worked on Defendant's premises, which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Plaintiff has not identified any specific work site or time periods in which he worked on Defendant's premises and; therefore, Defendant is unable to respond at this time. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 60:

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 insofar as it assumes Plaintiff worked on Defendant's premises, which is subject to question. Defendant further objects to this request as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. At this time, Defendant do not contend that Mr. Banks has an asbestos-related injury and discovery is continuing as to what asbestos exposures he may have had on other premises. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

**Defendant has not yet have enough information to finalize contentions.**

REQUEST FOR PRODUCTION NO. 62:

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 as it is overly broad, vague and ambiguous in that the request does not specify the specific task, work site, time period, or activity about which Plaintiff is inquiring. Plaintiff has not identified any specific work site or time periods in which he worked on Defendant's premises and; therefore, Defendant are unable to respond at this time. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

**Not applicable.**

REQUEST FOR PRODUCTION NO. 64:

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 it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 65:

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 it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

INTERROGATORY NO. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

ANSWER:

**Defendant objects to this interrogatory as it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

**Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous. It is not limited by time or location and constitutes a "fishing expedition". It calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

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:

**Denied.**

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

**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 as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a time period of the specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the**

**phrase “in use and/or in place” is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff’s allegations.**

**Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.**

**REQUEST FOR ADMISSION NO. 61:**

**Admit that Defendant no longer uses asbestos on its Premises.**

**RESPONSE:**

**Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term “asbestos” is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff’s allegations.**

**Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.**

**REQUEST FOR ADMISSION NO. 62:**

**Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1972.**

**RESPONSE:**

**Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term “asbestos-containing materials” is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff’s allegations.**

**Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.**

**REQUEST FOR ADMISSION NO. 63:**

**Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1973.**

**RESPONSE:**

**Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad**

and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 64:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1974.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 65:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1975.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 66:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1976.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is

inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 67:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1977.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 68:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1978.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 69:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1979.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 70:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1980.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 71:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1981.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 72:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1982.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 73:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1983.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 74:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1984.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 75:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1985.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 76:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1986.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 77:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1987.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR ADMISSION NO. 78:

Admit that asbestos-containing materials were in-place on Defendant's Premises after January 1, 1988.

RESPONSE:

Defendant objects to this request as it is overly broad, burdensome, vague and ambiguous in that the request does not specify a the time period or specific work site location about which Plaintiff is inquiring, TRCP 192.3(a). Further, Defendant objects to this request to the extent it is overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because the term "asbestos-containing materials" is vague and ambiguous. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

Without waiving the foregoing objections, Defendant admits that there still are products which contain asbestos in them none of which result in employee or contractor exposure.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

Defendant objects to this requests for production to the extent that it is overly broad, vague, irrelevant, unduly burdensome, and not limited to the facilities where Plaintiff allegedly worked. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to this requests for production to the extent it seeks information, the subject of which is protected from disclosure by the attorney/client privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents disseminated or published by any trade association that contain information relating to the hazards of asbestos and all documents which refer to such documents.

RESPONSE:

Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff allegedly worked. Further, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazards". Plaintiff fails to reference any

specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). Defendant objects to the production of documents which are protected by the attorney/client or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 69:

Produce all documents, that relate to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited to the premises where Plaintiff allegedly worked. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff worked. Defendant also objects to this request in that it is not limited to health and safety regulations dealing with asbestos. In addition, Defendant objects to this request to the extent that it seeks information which is a matter of public record or otherwise available to Plaintiff without imposing a burden on Defendant. Defendant objects to the extent this request seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 70:

Produce all safety meeting minutes or other documents, that refer to the dangers of asbestos safety measures to be used in the vicinity of asbestos at Defendant's Premises.

RESPONSE:

Defendant objects to this request for production to the extent it is overly broad, vague, unduly burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly worked. Defendant objects to the extent this request seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 71:

Produce all contracts, or other documents that relate to abatement of asbestos at Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, irrelevant, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 72:

Produce all contracts, or other documents that relate to the installation of asbestos products at Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, irrelevant, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 73:

Produce all documents that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, irrelevant, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Further, Defendant objects to the extent that it is not limited to the premises where Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to

the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at anytime during his work at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiffs health.

RESPONSE:

Defendant objects to this request for production to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE:

Defendant has no personnel file on Plaintiff.

REQUEST FOR PRODUCTION NO. 76:

Produce all documents that reflect the layout of Defendant's Premises, including the location and dimensions of all buildings and the location and placement of asbestos-containing products.

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. TRCP 192.3(a). Further, Defendant objects to this request to the extent that it seeks confidential and/or proprietary information and/or trade secrets. In addition, this request seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "exposure" and/or "injury" or "possibility of injury" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 78:

Produce all photographs of asbestos products in place or asbestos-containing products being fabricated or utilized at Defendant's Premises.

RESPONSE:

Defendant objects to this requests for production to the extent that it seeks confidential and/or proprietary information and/or trade secrets. Further, Defendant objects to this request to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE:

Defendant objects to this requests for production to the extent that it seeks confidential and/or proprietary information and/or trade secrets. Further, Defendant objects to this request to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 80:

Produce all documents relating to any individuals claimed injury as a result of exposure to asbestos at Defendant's Premises, including, but not limited to, workers compensation claims.

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent that it is not limited to the facilities at which Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 81:

Produce all documents, including but not limited to, corporate minutes, which mention the hazards or potential hazards of asbestos.

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent that it is not limited to the facilities Plaintiff allegedly worked. In addition, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazards", and/or "potential hazards" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 82:

Produce all documents, including invoices, shipping receipts, bills of lading and purchase orders, related to the purchase of asbestos-containing products for use at Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). In addition, Defendant objects to this request to the extent it seeks information the subject of which is protected from disclosure by the attorney work product privilege, the attorney/client privilege, the investigative privilege, the party communication privilege, or any other applicable privilege or immunity from discovery provided by TRCP 192.5. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 85:

Produce all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

Defendant objects to this request for production as overly broad and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazards"

and/or "diseases" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE:

Defendant objects to this request for production to the extent that it is overly broad and burdensome and seeks information, the subject of which is protected from disclosure by the attorney work product privilege. Defendant will identify witnesses and trial exhibits at such time as the court may require.

This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 87:

Produce documents between Defendant and any of its worker's compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff allegedly worked. Further, Defendant objects to this request to the extent that many of the terms used therein are vague, ambiguous, and overly broad, which renders particular questions unintelligible, and renders a response impossible without speculation as to the meaning of the term. For instance, this objection refers to, but is not limited to Plaintiff's use of such terms as "hazards" relating to asbestos. Plaintiff fails to reference any specific use, exposure condition (i.e. concentration) or type of health injury in their requests TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited

to the facilities Plaintiff allegedly worked. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant also objects to this request in that it is not limited to health and safety regulations dealing with asbestos. Defendant objects to the production of documents which are protected by the attorney/client self audit/self critical analysis, or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 89:

Produce all documents which contain complaints by employees of the Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant also objects to this request in that it is not limited to health and safety regulations dealing with asbestos. Defendant objects to the production of documents which are protected by the attorney/client self audit/self critical analysis, or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 90:

Produce all documents which contain complaints by Union representatives of Defendant's Premises regarding safety conditions and work place conditions at the Defendant's Premises.

RESPONSE:

Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant objects to this request to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant also objects to this request in that it is not limited to health and safety regulations dealing with asbestos. Defendant objects to the production of documents which are protected by the attorney/client self audit/self critical analysis, or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

REQUEST FOR PRODUCTION NO. 91:

Produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises and their areas of responsibility during the time period of Plaintiffs work at Defendant's Premises.

RESPONSE:

**Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. TRCP 192.3(a). Plaintiff has not formally indicated the time period he claims to have been present at Defendant's facilities. Defendant assume the period of time was from 1961 to 1964 and will search for organizational charts and rosters during those years. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE:

**Defendant objects to this request as overly broad, vague, and unduly burdensome with which to comply. Defendant objects to this request for production to the extent that it is not limited to the facilities Plaintiff allegedly worked. TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 93:

Produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership of Defendant's Premises.

RESPONSE:

**Defendant objects to this request for production as overly broad, vague, unduly burdensome, and burdensome and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

**Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence TRCP 192.3(a). This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 95:

Produce all contracts pertaining to work done by contractors at Defendant's facility.

RESPONSE:

**Defendant objects to this request for production as overly broad, vague, unduly burdensome, and calls for information or material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence TRCP 192.3(a). Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based. Defendant also objects to this request in that it is not limited to contractors dealing with asbestos. Defendant objects to the production of documents which are protected by the attorney/client self audit/self critical analysis, or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 96:

Please produce any printed material produced or published by Defendant containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos?

RESPONSE:

**Defendant objects to this request as overly broad, vague, irrelevant and unduly burdensome. Defendant objects to this request for production because it seeks information for time periods other than those upon which Plaintiff's claims against Defendant are based, and it is not limited to the facilities where Plaintiff worked. Defendant objects to the production of documents which are protected by the attorney/client or other privilege. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 97:

Produce all documents and other tangible things relating to the Plaintiff.

RESPONSE:

**Defendant objects to this request for production as overly broad, vague, unduly burdensome in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.**

REQUEST FOR PRODUCTION NO. 98:

If you content 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 include 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 the request as overly broad, irrelevant and the terms "own or control" as vague and ambiguous. Defendant further objects because this request is not limited to a relevant time period. Defendant further objects because the request is outside the scope of TRCP 192.3 and not calculated to lead to the discovery of admissible evidence. This request is overly broad in that Plaintiff has not provided any discovery responses and it is impossible to know Plaintiff's allegations.

**CAUSE NO. 00-03333-D**

JAMES WAYNE BANKS, ET AL

§

IN THE DISTRICT COURT

VS.

§

DALLAS COUNTY, TEXAS

GAF CORPORATION, ET AL

§

95<sup>TH</sup> JUDICIAL DISTRICT

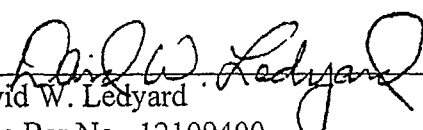
**NOTICE OF FILING**

This is to certify that on December 5, 2000, Defendant served the following to Plaintiff:

- **EXXONMOBIL CORPORATION'S AMENDED OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS**

Respectfully submitted,

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

  
David W. Ledyard

State Bar No. 12109400

Michael T. Bridwell 02979600

14th Floor, San Jacinto Building

595 Orleans Street

Beaumont, Texas 77701-3255

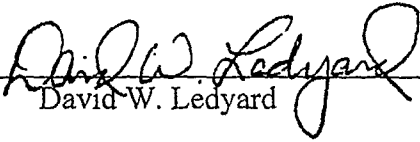
(409) 981-1000

(409) 981-1010 Facsimile

ATTORNEYS FOR DEFENDANT,  
EXXON OIL CORPORATION

**CERTIFICATE OF SERVICE**

This will verify that a true and correct copy of ExxonMobil Corporation's Notice of Filing has been furnished to counsel for plaintiff by certified mail, return receipt requested, and to all other known counsel of record by regular U.S. Mail, on this 5<sup>th</sup> day of December, 2000.

  
David W. Ledyard