

CAUSE NO. A-980,030-C

JOE K. SHORT, JR. § IN THE DISTRICT COURT OF
 §
VS. § ORANGE COUNTY, TEXAS
 §
A.C.& S., INC., ET AL. § 128TH JUDICIAL DISTRICT

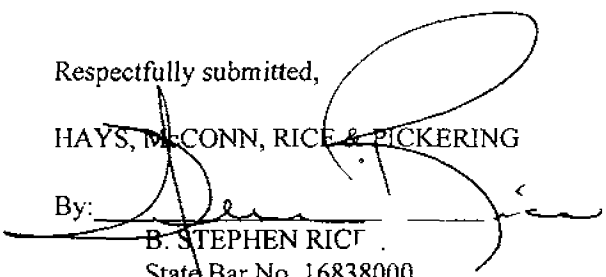
DEFENDANT HUNTSMAN PETROCHEMICAL CORPORATION
(F/K/A TEXACO CHEMICAL COMPANY)'S OBJECTIONS AND
RESPONSES TO PLAINTIFF JOE K. SHORT, JR'S
FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION
AND FIRST REQUEST FOR ADMISSIONS

TO: Plaintiff **JOE K. SHORT, JR.**, by and through his attorneys of record, Holly Huart and Stephanie Finch of **BARON & BUDD**, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219 and Mr. J. Donald Caronoa, Jr., Law Offices of Martin Dies, 1009 West Green Avenue, Orange, Texas 77630-5697

Pursuant to TEXAS RULES OF CIVIL PROCEDURE Defendant HUNTSMAN PETROCHEMICAL CORPORATION (F/K/A TEXACO CHEMICAL COMPANY) serves the following Objections, Answers and Responses to Plaintiff's First Interrogatories, First Request for Production and First Request for Admissions.

Respectfully submitted,

HAYS, McCONN, RICE & PICKERING

By: 

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HUNTSMAN PETROCHEMICAL CORPORATION
(F/K/A TEXACO CHEMICAL COMPANY)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to counsel for Plaintiffs by certified mail, return receipt requested, and to all other counsel of record by regular mail on this 12th day of March, 2001.



B. STEPHEN RICE

OBJECTIONS TO DEFINITIONS

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

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

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

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

Defendant objects to the stated definition of "Defendant's Premises" or "Plant" or "Facility" on the grounds that it is overly broad, vague, ambiguous and fails to specify what plant(s), facility(ies) or location(s).

PRELIMINARY STATEMENT

Plaintiff Joe Short has given a deposition and has not identified any facility owned or operated by Huntsman Petrochemical Corporation (f/k/a Texaco Chemical Company). Further, Texaco Chemical Company was not incorporated until October 1984, well after the Plaintiff's specified "years at issue" of 1981 and 1982. Prior to 1984 Texaco Chemical Company was an unincorporated division of Texaco Inc. and thus Texaco Inc.'s responses and objections are adopted for that time period prior to 1984. Thus, in light of this fact, and the fact Plaintiff Joe Short never worked at any facility owned or operated by Huntsman Petrochemical Corporation (f/k/a Texaco Chemical Company), this Defendant is not a proper party to this litigation and has no responsive information relevant to this case. To the extent necessary, this defendant adopts and incorporates any and all objections to these requests filed by Texaco Inc. herein.

**PLAINTIFF'S INTERROGATORIES,
REQUESTS FOR PRODUCTION,
AND REQUESTS FOR ADMISSION**

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.

RESPONSE:

Objection. Answers to these Interrogatories are being made by Huntsman Petrochemical Corporation, a corporation as required by the Texas Rules of Civil Procedure, and verified in accordance with the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Defendant objects to this Request because the same is vague and overly broad as it is unlimited as to time and location. Subject to the foregoing objections and without waiving same, Defendant would respond, based on the Preliminary Statement above, DENIED as phrased.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

N/A - See Preliminary Statement.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises during the years at issue.

RESPONSE:

Defendant objects to this Request because it is vague. This Request fails to define "utilized". Further, Defendant would respond, based on the Preliminary Statement. DENIED as phrased.

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

Subject to and without waiving the foregoing objections, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

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

Subject to and without waiving the foregoing objections, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

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

Subject to and without waiving the foregoing objections, see Preliminary Statement, otherwise DENIED.

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

Subject to and without waiving the foregoing objections, see Preliminary Statement.

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:

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

Subject to and without waiving the foregoing objections, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

DENIED. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, during the years at issue, 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 because it is overly broad, lacks specificity and is unduly burdensome. Further, the Request is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Request is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue, 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 because it is overly broad, lacks specificity and is unduly burdensome. Further, the Interrogatory is not limited to the time periods and corresponding specific premises sites relevant in this case, not limited to the contractors for whom the Plaintiff worked, nor limited to the matters made the basis of this case, specifically alleged exposures to asbestos-containing thermal insulation products, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the objections, it was the responsibility of Plaintiff's employer to instruct and oversee the services performed by their employees. For further answer, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

Defendant objects to this Request because it is overly broad, lacks specificity and

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises during the years at issue.

ANSWER:

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

DENIED. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

See Preliminary Statement.

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.

RESPONSE:

Defendant objects to this Interrogatory because it is overly broad and vague. Interrogatories are not properly used to require a party to marshal evidence. See, TEX. R. CIV. P. 197.1. Without waiving the objection, see Preliminary Statement.

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:

DENIED. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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:

DENIED. See Preliminary Statement.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos

dust created a potential health hazard to those who breathed such dust.

RESPONSE:

DENIED. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

DENIED. See Preliminary Statement.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

DENIED. See Preliminary Statement.

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 because it is overly broad, vague and ambiguous, and not limited to the facilities where Plaintiff claims exposure, nor is it limited to the relevant time periods.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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 because it is overly broad and vague. Without waiving the objection, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Defendant objects to this Request on the same bases stated in Answer to Interrogatory No. 7.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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, vague and ambiguous.

Subject to and without waiving the foregoing objection, based on the Preliminary Statement, this request is DENIED.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE:

Defendant objects to this Request for the reasons as stated in the Response to Request for Admission No. 10. Further, Defendant objects to this Request because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

INTERROGATORY NO. 8:

Describe Defendant's safety policy as it relates to the use of asbestos-containing materials at jobsites 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, vague, not limited to the time periods relevant in this case, not limited to the sites relevant in this case, and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

Defendant objects to this Request as overly broad, vague, not limited to the time periods relevant in this case, not limited to the sites relevant in this case, and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

DENIED. See Preliminary Statement.

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.

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

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.

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

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

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

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.

RESPONSE:

Defendant objects to this Interrogatory as overly broad, vague, not limited to the time periods relevant in this case, not limited to the sites relevant in this case, and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, see Preliminary Statement.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE:

See Preliminary Statement.

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.

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

See Preliminary Statement.

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 was present.

RESPONSE:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

See Preliminary Statement.

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 was present.

RESPONSE:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

See Preliminary Statement.

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:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

See Preliminary Statement.

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.

RESPONSE:

Defendant objects to this Interrogatory because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Interrogatories 15 through 20 because they violate TEX. R. CIV. P. 190.2 and 190.3, in that they exceed 25 written interrogatories. Each distinct part of an interrogatory is considered a separate interrogatory.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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.

RESPONSE:

Defendant objects to this Interrogatory because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Interrogatories 10 through 20 because they violate TEX. R. CIV. P. 190.2 and 190.3, in that they exceed 25 written interrogatories. Each distinct part of an interrogatory is considered a separate interrogatory.

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

See Preliminary Statement.

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:

DENIED as phrased. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors during the years at issue, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

DENIED. See Preliminary Statement.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 25:

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

Defendant's Premises.

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity.

Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

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

writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Defendant objects to this request as overly broad, vague, and lacking in specificity. Further, this request improperly asks Defendant to admit a proposition of law. See *Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant admits that it exercised the right of general control over its premises, but denies that it controlled the details of the work of contractors. Further, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

See Preliminary Statement.

INTERROGATORY NO. 17:

Do you contend that at no time during the years at issue, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on Defendant's Premises, 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.

RESPONSE:

Defendant objects to this Interrogatory because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects because this Request seeks to require this Defendant to marshal its evidence, which is specifically prohibited by Rule 197.1. Defendant further objects to Interrogatories 15 through 20 because they violate TEX. R. CIV. P. 190.2 and 190.3, in that they exceed 25 written interrogatories. Each distinct part of an interrogatory is considered a separate interrogatory. Without waiving the objections, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

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

Subject thereto, not applicable to this Defendant. See Preliminary Statement, therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, not applicable to this Defendant. See Preliminary Statement, therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Defendant objects to this Request as the same improperly asks Defendant to admit a proposition of law. *See Esparza v. Diaz*, 802 S.W.2d 772, 775 (Tex.App. — Houston [14th Dist.] 1990, no writ). Subject thereto, not applicable to this Defendant. See Preliminary Statement, therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement.

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:

See Preliminary Statement.

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 because it is overly broad, not limited to the time periods and corresponding worksites relevant in this case and, therefore, seeks information irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Interrogatories 15 through 20 because they violate TEX. R. CIV. P. 190.2 and 190.3, in that they exceed 25 written interrogatories. Each distinct part of an interrogatory is considered a separate interrogatory.

Subject to and without waiving the foregoing objections, Defendant Huntsman Petrochemical Corporation (f/k/a Texaco Chemical Company) would respond by stating see Preliminary Statement.

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 because it is overly broad, fails to specify the document sought with reasonable particularity, and amounts to a "fishing expedition." Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. The Texas Supreme Court has held in several cases over the last few years that discovery

requests must be relevant to specific issues and reasonably tailored to include only matters relevant to the case. The request must be tied to the particular acts or products relating to the Plaintiff's claims in the suit and must be limited to the time periods which are relevant to the case. See *In Re American Optical Corporation, Relator*, 988 S.W.2d 711 (Tex.1998); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813 (Tex.1995); *Dillard Department Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex.1995); *Loftin v. Martin*, 776 S.W.2d 145 (Tex.1989). Defendant further objects as this is a Request that Defendant marshal its evidence, which is specifically prohibited by the rules of discovery. Subject thereto, see Preliminary Statement.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement, therefore denied to the extent necessary.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

See Preliminary Statement.

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.

RESPONSE:

Defendant objects to this Interrogatory as the same violates the Texas Rules of Procedure limiting interrogatories, including subparts, to no more than 25 inquiries. Further, Defendant objects because the Interrogatory assumes facts not in evidence, that is, that the Plaintiff has an asbestos-related injury. Further, Defendant objects because the Interrogatory seeks to require this Defendant to marshal its evidence which is impermissible under the Texas Rules of Civil Procedure. Defendant further objects because the Interrogatory is overly broad, vague, ambiguous and unspecific.

Without waiving the objections, see Preliminary Statement. Plaintiff was not on the Defendant's premises.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

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:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

See Preliminary Statement.

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 Plaintiffs asbestos-related injury.

RESPONSE:

Not applicable to this Defendant. See Preliminary Statement; therefore denied to the extent necessary.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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

Subject to and without waiving the foregoing objection, see Preliminary Statement.

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:

See Preliminary Statement.

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.

RESPONSE:

Defendant objects to this Interrogatory because it is overly broad, not limited to relevant time periods in the case and, therefore, not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to Interrogatories 15 through 20 because they violate TEX. R. CIV. P. 190.2 and 190.3, in that they exceed 25 written interrogatories. Each distinct part of an interrogatory is considered a separate interrogatory.

Without waiving this objection, and subject thereto, see Preliminary Statement.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE:

See Preliminary Statement.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

DENIED.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Defendant objects to this Request because it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

See Preliminary Statement. Otherwise denied as phrased.

REQUEST FOR ADMISSION NO. 62:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 63:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 64:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 65:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 66:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 67:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 68:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 69:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 70:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 71:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 72:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 73:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 74:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 75:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 76:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 77:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR ADMISSION NO. 78:

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

RESPONSE:

See Preliminary Statement. Otherwise DENIED as phrased.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

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 Plaintiff's health.

RESPONSE:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiff's entire personnel file from Defendant's Premises.

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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:

See Preliminary Statement.

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 Plaintiff's work at Defendant's Premises.

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 95.

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

RESPONSE:

See Preliminary Statement.

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:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 97.

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

RESPONSE:

See Preliminary Statement.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies)- such documentation to include, byway of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10-K 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:

See Preliminary Statement.