

18TH JUDICIAL DISTRICT COURT

PARISH OF IBERVILLE

STATE OF LOUISIANA



ROBERT HAROLD DURBIN

NUMBER 49,399

VERSUS

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL

DIVISION: "A"

**DEFENDANT, EXXON CORPORATION'S OBJECTIONS AND
ANSWERS TO PLAINTIFF'S MASTER SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS TO PREMISES DEFENDANTS**

Exxon Corporation ("Exxon"), who submits these objections and answers to the Interrogatories propounded by plaintiff in the above-entitled matter as follows:

PRELIMINARY STATEMENT

These answers to plaintiff's Interrogatories and Request for Production of Documents have been compiled as the result of an investigation into the historical practices and the procedures followed by Exxon over many decades. Through the passage of time, many persons with knowledge of these matters are unknown, cannot be located, or have passed away. Similarly, the passage of time has probably resulted in the inability to locate documents which may have existed in earlier years. Accordingly, the information available to Exxon regarding these historical matters is incomplete and may remain incomplete despite continuing efforts to locate knowledgeable persons and relevant documents.

To the extent additional information is ascertained, these answers will be supplemented. When Exxon's response refers to documents it will make available, Exxon will provide responsive documents to plaintiff's counsel for inspection and copying at a mutually agreeable time and location.

GENERAL OBJECTIONS

Exxon objects to these requests to the extent that these requests seek information protected by the Attorney-Client, Work Product, Investigative and Party Communication Privileges, or Joint or Common Defense Privileges; is proprietary or confidential in nature, or is subject to any other applicable exemption, privilege or immunity, and such information not reasonably calculated to lead to the discovery of admissible evidence.

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2. Exxon objects to these requests because they are overly broad to the extent that they seek information that is not limited in scope to the work area within the Baton Rouge Refinery and period of employment of the plaintiff at the Baton Rouge Refinery or seek information that is in the public domain and is as accessible to plaintiff as to this defendant.

3. Exxon objects to these requests to the extent that they call for the revelation of information and documents prepared in anticipation of litigation or subsequent thereto as part of and to advance the defense of that litigation.

4. Exxon objects to all requests to the extent they inquire into the mental impressions, conclusions, or legal theories of Exxon's legal representatives.

5. Exxon objects to all requests to the extent they seek information which is not in Exxon's possession, custody or control.

6. Exxon objects to the definition of the words Defendant, You, Your and Your company, because that definition refers to entities other than the defendant responding to these discovery requests. The definition includes, for example, foreign subsidiaries, present and former officers, employees, directors, agents and all persons acting on Exxon's behalf. If taken literally, this definition would require Exxon to respond on behalf of perhaps thousands of persons and/or entities, none of whom are defendants. Therefore, these responses, unless otherwise noted, will be solely on behalf of Exxon, the defendant in this proceeding.

PARTICULAR ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1

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 for each person who has supplied any information used in answering these Interrogatories.

ANSWER TO INTERROGATORY NO. 1

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to this Interrogatory No. 1 because it potentially seeks privileged information. Without waiving these objections, undersigned counsel prepared the answers to these Interrogatories, after discussions with his client.

INTERROGATORY NO. 2

Please identify the name of the answering defendant, including all prior names or predecessor entities, describe the chain of title of the facility where the plaintiff alleges he worked, and provide a corporate history of the answering defendant.

ANSWER TO INTERROGATORY NO. 2

The general objections are incorporated in this response as if fully stated herein. Without waiving these objections:

*Standard Oil Company of New Jersey;

*Standard Oil Company;

*Humble Oil and Refining Company ("Humble");

*Standard Oil Company changed its name to Exxon Corporation in 1972;

*Humble, Esso Chemical Company, Inc. and Enjay Chemical Company merged into Exxon Corporation in 1973.

The Baton Rouge Refinery has always been owned and operated by Exxon or one of more of its corporate predecessors.

INTERROGATORY NO. 3

Have you owned, operated, controlled, possessed or otherwise managed or occupied defendant's premises at all times that plaintiff worked or was present at defendant's premises? If not, please state the dates wherein defendant owned, operated, controlled, possessed and managed defendant's premises, the entity from whom defendant acquired defendant's premises, the entity to whom defendant sold defendant's premises and the person with the most knowledge of each transaction.

ANSWER TO INTERROGATORY NO. 3

Exxon and/or its corporate predecessors have owned and operated the Baton Rouge refinery during all times pertinent to this case. However, Exxon states that, at numerous times during its ownership and operation of this facility, portions of its premises have been placed in the temporary custody of various contractors for maintenance and other work. During those times and at those locations, the facility may have been "controlled, possessed or otherwise managed or occupied" by someone other than Exxon. Exxon cannot reconstruct each instance in which this may have occurred.

INTERROGATORY NO. 4

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person known to defendant or to defendant's agents, having knowledge of facts relevant to this case, as well as a summary of the knowledge possessed by each individual. (Further, if such person is or has been an employee of defendant, please state the years of employment and the person's employment positions.)

ANSWER TO INTERROGATORY NO. 4

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to this Interrogatory as over broad, repetitive, unduly burdensome, harassing and vague.

The Interrogatory is repetitive, unduly burdensome and harassing since it seeks information that plaintiff already has and has provided to defense counsel in the form of plaintiff's discovery responses in this case, as well as the depositions of professor James W. Hammond and the exhibits attached to those depositions provided to plaintiff in *Emery v. Owens Corning, et al.* Plaintiff's discovery demands seek to cause unnecessary and added costs to this litigation by asking the defendant to produce the same information the plaintiff already has.

The Interrogatory is even more burdensome since plaintiff has not identified with sufficient specificity when and where Mr. Durbin worked at an Exxon facility. Mr. Durbin testified in his deposition that he worked at an Exxon facility (or its predecessor) from 1954 - 1982 intermittently (or a total of 20 years). However, he did not provide specifics as to where and when he worked at a particular Exxon facility. Subject to these objections, and reserving all rights thereunder, Exxon responds that some, but not all, of those persons whose names were listed in Exxon Corporation's Supplemental Answers to Interrogatories, filed by Exxon in the *Emery* case may have knowledge about the facts of this case, to the extent those facts are discernible by Exxon at this time. Exxon incorporates those responses herein by reference.

INTERROGATORY NO. 5

By 1985, was the answering defendant aware of information or facts concerning any reported association between exposure to asbestos or asbestos products and the following:

- a. Asbestosis?
- b. Pleural Disease?

- c. Lung Cancer?
- d. Mesothelioma?
- e. Gastrointestinal cancer?
- f. Other cancers?
- g. Other health effects?

If not by 1985, when, if ever, did you become aware of information or facts concerning any reported association between exposure to asbestos or asbestos products and the health effects listed above?

ANSWER TO INTERROGATORY NO. 5

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 5 as over broad, unduly burdensome, vague and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory is over broad since it seeks information regarding Exxon's knowledge presumably both before and after plaintiff worked at its premises. For the same reason, it seeks irrelevant information since plaintiff claims exposure several decades before the time period requested. What Exxon knew after Durbin was on Exxon's premises is wholly immaterial.

The request is unduly burdensome because, even assuming Exxon's knowledge during plaintiff's presence on its facilities was relevant, plaintiff fails to identify with sufficient specificity when and where he was working at an Exxon facility.

Without waiving this objection, Exxon states that, by 1985, it was aware of an association between asbestos exposure and mesothelioma. Mesothelioma is the only disease which plaintiff claims to have.

INTERROGATORY NO. 6

If your answer to Interrogatory No. 4 [sic] as to any of the sub-parts is affirmative, please provide a reasonable description of the following:

- a. The time and manner this defendant learned of such an association;
- b. Any documents you received prior to plaintiff's last presence at your facility which referred to, reflected or discussed facts concerning the association between exposure to asbestos and the disease set forth in Interrogatory No. 4 [sic], and the identity of the person(s) so communicating, the manner in which you received these documents,

including by medical or scientific studies or attendance at conferences, lectures, conventions, symposia or meetings and the current custodian of such records.

ANSWER TO INTERROGATORY NO. 6

See previous objections and answer. Further responding, Exxon refers plaintiffs to the deposition of James W. Hammond, vols. I-IV ("Hammond's deposition"), specifically, *see* vol. II, *Russell Allen v. American Petrofina, Inc., et al.*, dated July 6, 1990 and documents produced in response to Request for Production of Documents including Exxon's Procedures Concerning Safeguarding Workers From Asbestos Health Hazards before OSHA ("Corporate Report"). For further information responsive to this Interrogatory, see the trial testimony of Professor James Hammond in the *Lorraine Peggy Williams v. Exxon, et al* matter, previously produced to counsel for plaintiffs.

INTERROGATORY NO. 7

Please identify by name and location each plant or manufacturing facility owned or operated by you in which asbestos products were assembled, stored, used, prepared for use, installed or fabricated, specifying the dates each such plant is or was in operation and the time span during which each named item was stored, used, prepared for use, installed or fabricated.

ANSWER TO INTERROGATORY NO. 7

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 7 in its entirety as over broad, and unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory seeks information on all plants without regard to location, whether plaintiff worked there, or the dates in which asbestos products were allegedly assembled, stored, etc. The Interrogatory thus would seek information spanning over eighty years, just with regard to the Baton Rouge plant.

Even were the Interrogatory limited to plants where plaintiff worked, the Interrogatory would be unduly burdensome because plaintiff fails to identify with sufficient specificity when and where he worked at an Exxon facility. It is further burdensome because there are miles of piping in Exxon's facilities, some of which are insulated, and yet plaintiff has been unable to narrow the locations where

he has worked. Exxon also objects to this Interrogatory to the extent it implies that Exxon assembled, prepared for use or fabricated asbestos products.

Without waiving these objections, *see* the invoices, purchase orders, etc. produced to plaintiff in the *Emery* case from which plaintiffs can ascertain the identity of some of the products installed at the Baton Rouge Refinery. The remainder of the information sought in this Interrogatory is not known to Exxon.

INTERROGATORY NO. 8

Please state whether you educated plaintiff or other workers concerning any potential health hazards known by you and/or any safety precautions necessary to guard against any adverse health effects arising from the use of, handling of, or working around asbestos-containing insulation products at your facility before 1985. If so, please provide a reasonable description of:

- a. When and in what manner plaintiff or other workers was so informed;
- b. Documents communicating, reflecting or otherwise discussing such conveyed information including the substance and who received them and when;
- c. Programs, seminars or classes which were sponsored, attended or initiated by your company to convey such information;
- d. Any safety equipment, including respiratory masks or devices which were issued or otherwise provided to plaintiff or other workers at your facility, and the programs utilized to instruct them with respect to proper usage of any such equipment, including the nature and substance of such programs and who participated and when;
- e. Any persons with responsibility for developing, implementing and overseeing the application of such programs for any period of time;
- f. Medical monitoring or industrial hygiene programs designed to follow up on the health and safety of plaintiff or other workers at your facility.

If not by 1985, when, if ever, did you begin so educating plaintiff or other workers.

ANSWER TO INTERROGATORY NO. 8

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 8 in its entirety as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence and information which is equally accessible to plaintiff.

The Interrogatory is over broad because it seeks information on education which was provided both before and after plaintiff was allegedly working at Exxon's premises. It also seeks irrelevant information to the extent it requests information on education of "other workers." What other workers were taught is immaterial to Durbin's claims against Exxon.

The request is also unduly burdensome because, even assuming Exxon's educational policies during plaintiff's presence on its facilities were relevant, plaintiff fails to identify with sufficient specificity when and where he worked at an Exxon facility.

Finally, the Interrogatory is objected to because it implies that Exxon had a duty to educate employees of contractors regarding safety or other issues.

Without waiving these objections, Exxon refers plaintiff to Hammond's deposition, pp. 357-358, 422-430, 433, 469-471, 472, 473-77, vol. I, at 105-109. According to Mr. Hammond, Exxon employees were provided safety manuals which discussed dust control. These manuals were also provided to contractor supervisors. Additionally, the Dust Producing Operations in the Production of Petroleum Products and Associated Activities ("Bonsib Report"), authored by Roy Bonsib in 1937, discussed procedures to control or reduce the hazard of dust. The Bonsib Report has a section on the use of respiratory protective equipment. See also documents produced in response to Request for Production, which in turn includes the Corporate Report. See also the trial and deposition testimony of Neil Weaver and Ralph Howe in the *Emery* case where these issues were discussed.

INTERROGATORY NO. 9

Have you ever conducted, directed, sponsored, or participated in any epidemiological or toxicological studies concerning any potential association between asbestos exposure and the diseases listed in Interrogatory No. 4 [sic]? If so, please provide a reasonable description of:

- a. When each study was conducted?
- b. The purpose of each study?
- c. The identify of the person or organizations conducting and when and how the results of the study were disseminated;
- d. Whether or not any of your employees were included in any of the studies;
- e. Whether any of the studies are ongoing; and
- f. The title or publication name of each such study.

ANSWER TO INTERROGATORY NO. 9

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 9 in its entirety as over broad, and unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory is over broad and unduly burdensome because it asks defendant to provide data on every epidemiological or toxicological study without specifying the time period.

Without waiving these objections, *see* Hammond's depositions, and the exhibits to Weaver's deposition produced in the *Emery* matter.

INTERROGATORY NO. 10

Please provide a reasonable description of any audit or inspection of your facility and/or your other facilities by a governmental agency which was concerned with or resulted in warnings, citations, reprimands or other findings with regard to the use of asbestos resulting in potential exposure to persons. In your answer, please identify the person or entity conducting such audits or inspections.

ANSWER TO INTERROGATORY NO. 10

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 10 in its entirety as over broad, vague, burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory is over broad and unduly burdensome because it requests a listing of each occasion when any governmental agency inspected any of defendant's facilities. The request seeks irrelevant information for similar reasons and because the failure to conduct such inspections, if that occurred, could not have affected plaintiff or his health.

The request is also unduly burdensome because, even assuming the inspections during plaintiff's presence on its facilities were relevant, plaintiff fails to identify with sufficient specificity when and where he was working at an Exxon facility.

Additionally, "findings with regard to the use of asbestos resulting in potential exposure to persons" is impermissibly vague.

Without waiving these objections, Exxon has found no audits responsive to this Interrogatory.

INTERROGATORY NO. 11

Please provide a reasonable description of any medical examination program(s), medical monitoring program(s), or other medical surveillance offered or sponsored by your facility or its insurance carriers with regard to plaintiff or other workers, exposed or potentially exposed to asbestos at your facility. With respect to each such program, please provide a reasonable description of:

- a. The manner of communicating with employees about such programs;
- b. Whether or not the programs were mandatory or optional;
- c. Whether or not the program or examinations were for all workers, including employees of contractors on defendant's premises, or just for defendant's payroll workers;
- d. What each program or examination consisted of;
- e. What the criteria were for worker participation; and
- f. For each study, what percentage of workers were found to have an asbestos-related disease or malignancies;
- g. What records of such program, examination or surveillance exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind or correspondence.

ANSWER TO INTERROGATORY NO. 11

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 11 in its entirety as it is over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory is over broad and unduly burdensome because it asks for information on any medical examination, monitoring or surveillance program offered by Exxon with regard to plaintiff or other workers exposed or potentially exposed to asbestos at Exxon's facility. The request is not limited in time even though plaintiff was present at Exxon facilities for limited periods of time. To the extent Interrogatory No. 11 relates to "other workers," it seeks irrelevant information.

Even assuming the time period and locations in this Interrogatory were limited by the petition and/or discovery and that the information was relevant, the request is unduly burdensome since

plaintiff fails to identify with sufficient specificity when and where they were working at an Exxon facility.

Without waiving these objections, Exxon states that there was no medical monitoring program for employees of independent contractors. Exxon expected such services to be provided by the employers of those workers, just as Exxon provided such services for its employees. However, Exxon did make available to contractor employees its medical facilities for injuries occurring on Exxon's premises. For a description of Exxon's medical monitoring policies and procedures for its employees, *see* Hammond's deposition, deposition of Neil Weaver, John Lione's trial testimony, and the Corporate Report and other documents produced in response to the Request for Production of Documents.

INTERROGATORY NO. 12

Please identify if your company was a member of, or subscribed to scientific or medical periodicals published by, the following trade organizations, associations, panels, or other groups and entities relating to occupational disease and/or industrial hygiene related to asbestos before 1985;

- a. The American Petroleum Institute ("API");
- b. The Chemical Manufacturers Association ("CMA") (or its predecessor, the MCA);
- c. Chlorine Institute;
- d. Industrial Hygiene Foundation;
- e. National Insulation Manufacturers Association;
- f. The Asbestos Textile Institute;
- g. The Asbestos Information Association;
- h. The National Safety Council ("NSC");
- i. ACGIH;
- j. The American Occupational Medical Association;
- k. The American Public Health Association;
- l. The American Chemical Society [sic];
- m. The American Chemical Society;
- n. NIOSH
- o. Other organizations addressing other occupational diseases or industrial hygiene concerns relating to asbestos.

In your answer, please state whether your company participated in any meeting of these trade groups relating to asbestos or asbestos-related diseases and please identify all documents received as a result of such memberships or subscriptions relating to relating to asbestos-related diseases or which refer to any discussions held at such meetings relating to asbestos or asbestos-related diseases, and the names of the person(s) who you have reason to believe would have attended these meetings on behalf of your company.

ANSWER TO INTERROGATORY NO. 12

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 12 as over broad, unduly burdensome, vague and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The request is over broad and unduly burdensome because it seeks the described information concerning defendant prior to 1985 and presumably from Exxon's beginnings. For these reasons and because plaintiff was not working at Exxon during the entire time span mentioned in the request, it seeks irrelevant information.

The request is also unduly burdensome because, even assuming the request was limited to the time periods or locations specified in the petition and/or discovery and the information was relevant, plaintiff fails to identify with sufficient specificity when and where he worked at an Exxon facility.

The Interrogatory is also impermissibly vague because it does not define the terminology "subscribed to," or "relating to occupational disease and/or industrial hygiene related to asbestos." Without waiving these objections, Exxon belongs to API, CMA and NSC. Exxon is trying to determine if there are any other company memberships responsive to this request. *See also* Hammond's deposition, Weaver's deposition and documents produced in response to the Request for Production of Documents.

INTERROGATORY NO. 13

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 TO INTERROGATORY NO. 13

Exxon incorporates its general objections. In addition Exxon objects because this Interrogatory seeks information which pertains to time periods during which plaintiff was not on Exxon's premises and therefore the Interrogatory does not seek admissible evidence nor is it reasonably calculated to lead to the discovery of admissible evidence. Subject to those objections, Exxon does not have detailed knowledge of all of the tests which have been conducted at its Baton Rouge Refinery over the years. See, however, the Bonsib report and the Industrial Hygiene Survey of the Baton Rouge Refinery (Feb.-Apr. 1949).

INTERROGATORY NO. 14

Please provide a reasonable description of any steps you took or programs adopted between 1972 and 1985 to determine the location of any asbestos-containing materials located at your facility, stating the dates such steps were taken or programs adopted, any procedures or rules utilized to locate, analyze and report the presence of asbestos-containing materials and the names of the persons who took or analyzed the samples and/or generated reports from such analysis.

ANSWER TO INTERROGATORY NO. 14

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 14 as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The Interrogatory is over broad because it requests information pertaining to years during which plaintiff was not working at an Exxon facility. While it refers to your facility and your facility is defined as the facility where the plaintiff worked, it is still over broad because plaintiff does not indicate exactly where he worked and when. For similar reasons, the request is unduly burdensome and seeks irrelevant information.

The request is also burdensome because, even assuming the location of asbestos-containing materials during the times plaintiff was on specific premises were requested and considered relevant, plaintiff fails to identify with sufficient specificity when and where he was working at an Exxon facility.

Without waiving these objections, defendant Exxon followed all state and federal regulations pertaining to asbestos. See also documents produced in the *Emery* matter.

INTERROGATORY NO. 15

Please state the address of defendant's principal place of business and the parish wherein defendant's primary place of business is located.

ANSWER TO INTERROGATORY NO. 15

Exxon Refinery
4060 Scenic Highway
Baton Rouge, LA

INTERROGATORY NO. 16

Please identify current/prior employee or employees who would be designated by you to testify at a corporate deposition regarding the following areas relating to the time period the plaintiff worked at your facility. The person(s) so designated should be able to address corporate and/or facility awareness up to 1985 regarding the following area. In your answer, please state the positions or titles held in your company:

- a. Potential adverse health effects associated with exposure to asbestos;
- b. Safety, medical and environmental staffing at your facility;
- c. Engineering controls utilized at your facility relative to the reduction, mitigation or elimination of exposure to asbestos;
- d. Safety and industrial hygiene policies, practices and procedures at your facility relative to the reduction, mitigation or elimination of exposure to asbestos;
- e. Industrial hygiene monitoring conducted at your facility for asbestos;
- f. Medical monitoring and testing programs for the employees at your facility exposed to asbestos materials of any type;
- g. The policies, procedures, and practices with regard to informing employees working at your facility of abnormal x-ray findings such as increased interstitial markings, pleural plaques, etc., and his possible relationship to the employee's prior asbestos exposure;
- h. The personal protective and respiratory protection equipment utilized at your facility for the protection against asbestos materials;
- i. Any hazard communication "safety program" or other similar program for which the purpose was to inform employees working at your facility of the potentially hazardous qualities of any asbestos-containing material present at your facility;

- j. Material safety data sheets which refer to asbestos;
- k. Toxicological studies concerning asbestos which this defendant either conducted, coordinated or sponsored which relate or refer to asbestos, published or unpublished;
- l. Epidemiological studies (formal or informal, internal or third party, proposed, published or unpublished, completed or still in progress) which included workers at your other facilities and all documents which refer, reflect or relate to such studies (and regarding whether such studies were for the specific purpose of investigating asbestos-related disease);
- m. The consideration, adoption, and/or establishment of a respiratory protection program at your facility;
- n. The purchase or acquisition of asbestos-containing insulation products for use at your facility; and
- o. Compliance with federal and state regulations, specifically, regulations pertaining to workplace safety practices and exposure to asbestos. [If your response to any of the above sub-parts includes any claim that you employ no person or persons that meet the descriptions in the sub-parts, please identify the employee or employee(s) or other source(s) of information upon which you rely to make such a statement.]

ANSWER TO INTERROGATORY NO. 16

The general objections are incorporated in this response as if fully stated herein. Defendant will provide this information to plaintiff as and when corporate depositions are noticed. Further responding, Exxon refers plaintiffs to the corporate depositions of Exxon taken by plaintiffs' counsel in the *Emery* matter.

INTERROGATORY NO. 17

Please identify the names of all manufacturers, distributors and/or contractors whom you have reason to believe sold or otherwise provided asbestos-containing thermal insulations products or other asbestos-containing products for use at your facility up to 1985. In your answer, please specify to the extent you are able, the trade or brand name for the product, and a reasonable description of all documents reflecting the acquisition of such products.

ANSWER TO INTERROGATORY NO. 17

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to this Interrogatory as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The Interrogatory is overboard because it requests information pertaining to years during which plaintiff was not working at an Exxon facility. While it refers to your facility and your facility is defined as the facility where the plaintiff worked, it is still over broad and burdensome because plaintiff does not indicate exactly where he worked and when. For similar reasons, the request is unduly burdensome and seeks irrelevant information.

Without waiving these objections, Exxon believes that asbestos-containing products were installed on its premises by Anco Insulations, Inc. and McCarty Corporation or their corporate predecessors. In addition, numerous witnesses, most of whom were not Exxon employees, have identified asbestos-containing products which they alleged seeing and/or working with at Exxon's facilities. Plaintiffs' counsel is as familiar with these persons and their testimony as are Exxon's counsel and representatives. Therefore Exxon refers counsel to this testimony. For further information regarding the subject matter of this Interrogatory, see invoices, purchase orders and other documents produced in the *Emery* litigation.

INTERROGATORY NO. 18

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including the name, address and job classification of each such expert witness; the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation to you, and if so, identify each such document or report.

ANSWER TO INTERROGATORY NO. 18

The general objections are incorporated in this response as if fully stated herein. Subject to those objections, Exxon will provide this information in its Witness List.

INTERROGATORY NO. 19

List all fact witnesses you intend to call at trial, and state the subject matter of his testimony and the substance of the facts to which they are expected to testify.

ANSWER TO INTERROGATORY NO. 19

See objections and responses to Interrogatory 18.

INTERROGATORY NO. 20

Identify by style, cause number, and date, every lawsuit filed against defendant wherein the claimant alleged injury from exposure to asbestos.

ANSWER TO INTERROGATORY NO. 20

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 20 in its entirety, as over broad and unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 21

Please identify all insurance companies, corporations or syndicates which may provide insurance coverage (either primary or excess) with regard to your facility for plaintiff's asbestos-related personal injury claim asserted in the present case. In your answer, please list the names of each such company, the type of coverage for each policy and the applicable dates of coverage.

ANSWER TO INTERROGATORY NO. 21

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 21 in its entirety as over broad, burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

The request is over broad and unduly burdensome because it seeks insurance information for years in which plaintiff was not working at an Exxon facility and presumably from Exxon's beginnings to present day. For these same reasons, the request seeks totally irrelevant information.

The Interrogatory is also unduly burdensome because, even assuming it were limited to the time periods or locations specified in the petition and/or discovery and the information about insurance coverage were relevant, plaintiff fails to identify with sufficient specificity when and where he was working at an Exxon facility.

Without waiving these objections, Exxon states that it is self-insured for purposes of this litigation.

INTERROGATORY NO. 22

Please state whether defendant or its subsidiaries or predecessors ever operated a safety department or medical department at defendant's facility, and if so, please state the years of operation.

ANSWER TO INTERROGATORY NO. 22

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 22 in its entirety as it is over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

It is over broad and unduly burdensome because it seeks information on a safety department or medical department in place at times and locations where plaintiff was not working at Exxon. For similar reasons, it seeks totally irrelevant information.

The request is also unduly burdensome because, even assuming it were limited to the times and locations identified in the petition and/or through discovery and the information were relevant, plaintiff fails to identify with sufficient specificity when and where he worked at an Exxon facility. Without waiving these objections, upon information and belief, Exxon or its predecessors had both a safety and medical program in place at the Baton Rouge facility from its inception. Plaintiff has been provided with extensive information on that program through the depositions of its former medical directors and others. For further information, Exxon refers plaintiffs to the deposition of Gene Crawford who is the only living safety department head prior to 1970.

INTERROGATORY NO. 23

Please identify all persons employed in the following capacities at your facility during the time-frame the plaintiff worked there, his current location if no longer employed by your company, and the dates of his employment:

- a. Plant/Manager/Superintendent;
- b. Medical Director/Supervisor;
- c. Toxicologist;
- d. Industrial Hygienist;
- e. Safety Manager/Supervisor;
- f. Environmental Manager; and
- g. Plant Physician.

ANSWER TO INTERROGATORY NO. 23

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to this Interrogatory as unduly burdensome since plaintiff does not specify in detail where and when he worked at an Exxon facility.

Without waving these objections, *see* Hammond's deposition, the Corporate Report, and the depositions of Neil Weaver, John Lione and Ralph Howe in the *Emery* case, as well as other documents produced in response to Request for Production of Documents.

INTERROGATORY NO. 24

Please state when your company stopped utilizing asbestos-containing products in your facility or any portion thereto. In your answer, please include a reasonable description of the reason why your company was prompted to remove asbestos-containing materials and/or cease to utilize them, who made that decision, and how it was carried out.

ANSWER TO INTERROGATORY NO. 24

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 24 in its entirety as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence since plaintiff has failed to identify exactly when and where he worked at an Exxon facility.

Without waving these objections, defendant responds as follows: Sometime prior to 1972, Exxon decided to phase out the use of asbestos-containing materials by using non-asbestos materials where technically feasible. In 1972, in conformance with OSHA guidelines and company policy, Exxon ceased installing asbestos-containing materials in its Baton Rouge Refinery. The decision was prompted by ongoing research and developing knowledge of the potential health risks associated with certain asbestos exposures. The decision was made by Exxon's industrial hygienists in consultation with management. The decision was implemented as follows: During maintenance procedures, asbestos free insulation was used as a replacement for worn insulation. *See* documents previously produced to counsel for plaintiffs in the *Emery* matter.

INTERROGATORY NO. 25

Please state when your company was first advised of the Threshold Limit Values or Maximum Allowable Concentration of Asbestos Dust by the American Conference of Industrial Hygienists, and state the name of the employee official of the company receiving such advice, as well as a reasonable

description and identification of all documents which reflect communication of such advice of the American Conference of Industrial Hygienists.

ANSWER TO INTERROGATORY NO. 25

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 25 in its entirety as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence since plaintiff has failed to identify exactly when and where he worked at an Exxon facility. Defendant further objects because to its knowledge, there is no such group as the American Conference of Industrial Hygienists.

Without waiving these objections, in 1947, the Journal of The American Hygiene Association published maximum allowable concentration for asbestos dust, 5 million particles per cubic foot, a recommendation by the American Conference of Government Industrial Hygienists. Defendant knew about this threshold limit shortly after it was published as a result of ongoing review of scientific literature by its medical and health professionals. *See also* Hammond's deposition, p. 327 and exhibits thereto.

INTERROGATORY NO. 26

Please describe all recommended internal company asbestos exposure levels that were suggested by any toxicologist, physician, industrial hygienist, or safety professional, employed by your company up to 1985.

ANSWER TO INTERROGATORY NO. 26

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 26 in its entirety as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to admissible evidence. Without waiving these objections, Exxon followed pertinent standards for asbestos exposure published, first, by ACGIH and later by others including OSHA. To Exxon's knowledge, none of its safety and health professionals recommended a standard different from those promulgated by these entities.

INTERROGATORY NO. 27

Please provide a reasonable description of industrial hygiene controls and/or work practices or procedures that were utilized up to 1985 to control, mitigate or reduce asbestos emissions

associated with activities involving stripping, applying, mixing, fabricating or cutting asbestos-containing insulation products and the date when your company first began using such controls. If none, please provide a reasonable description of such controls and/or work practices or procedures that existed in your facilities and when they were implemented.

ANSWER TO INTERROGATORY NO. 27

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 27 as it is over broad, unduly burdensome and because it seeks irrelevant information not calculated to lead to the discovery of admissible evidence for reasons explained in the preceding response. Without more specific information regarding when and where plaintiff worked, it is impossible to determine which controls and/or work practices or procedures were in effect during his presence.

Without waiving its objections, upon information and belief, the reports from Roy Bonsib, OSHA regulations and "American Conference of Governmental Industrial Hygienists M.A.C. Values" were utilized at various times. Internal Procedures developed, implemented, overseen and/or revised by James Hammond which he discusses on pages 105-109 of his deposition in the *Allen* case were (are) also applicable to the asbestos exposure issue.

Exxon had many industrial hygiene controls, such as attempting to avoid production of dust, attempting to control the dust by wetting asbestos-containing products prior to removal and supplying the workers with respirators to perform the operation. The respirators provided included the Comfo M.S.A. and others and were approved by the Bureau of Mines. See documents previously produced to counsel for plaintiffs in the *Emery* matter.

INTERROGATORY NO. 28

Does your company have, has it ever had, or have any of your predecessors had a research department? If so, give the year such a department was established, whether or not such a research department has operated continuously since being established, how much was allocated each year for research purposes related to asbestos, and what percentage of gross sales did your company or its predecessors spend on research concerning the health effects of asbestos.

ANSWER TO INTERROGATORY NO. 28

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory 28 as it is over broad, unduly burdensome and because it seeks

irrelevant information not calculated to lead to the discovery of admissible evidence. The request is over broad and unduly burdensome because it seeks information regarding the research department regardless of the goal of the research department or when plaintiff worked at an Exxon facility and presumably from Exxon's beginnings until present day.

INTERROGATORY NO. 29

Please identify and provide a reasonable description of any and all safety manuals, training manuals or other similar documents provided to or made available to plaintiff or other workers at your facility up to 1990. (Include in your answer the dates when each of these manuals were provided and/or made available to describe any language which may have been included regarding the health or safety hazards associated with asbestos exposure). If none, please state whether such safety manuals, training manuals or other similar documents were provided to workers at any of your facilities and, if so, when?

ANSWER TO INTERROGATORY NO. 29

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to this Interrogatory as it is over broad, unduly burdensome and because it seeks irrelevant information not calculated to lead to the discovery of admissible evidence. The request is over broad and unduly burdensome because it is not limited to the times when and locations where plaintiff worked at an Exxon facility. Additionally, the request seeks information on manuals regardless of whether they discuss asbestos exposure. For these reasons, the Interrogatory also seeks totally irrelevant information.

The request is also unduly burdensome because, even assuming it were limited to the times and locations identified in the petition and through discovery and the information sought were relevant, plaintiff has failed to identify with sufficient specificity when and where he worked at an Exxon facility.

Without waiving these objections, Exxon will and/or has produced such documents as are still available to it in lieu of further response to this Interrogatory. Because of Exxon's policy of replacing old manuals with the most current safety information and after diligent search, Exxon has not located any manuals from the time frame during which plaintiff alleges work at Exxon facilities. *But see* exemplary manuals produced in response to Request for Production of Documents.

INTERROGATORY NO. 30

Please state whether or not your facility ever offered any type of respiratory masks, appliance or other protective equipment to workers up to 1985 for use while handling or working around or in the presence of other handling asbestos-containing products? If so, please state the following:

- a. Describe the type of protective equipment provided (e.g., disposable paper masks, disposable cloth masks, cartridge respirators, airline-supplied; respirators, etc.), as well as the name of the manufacturer, the model number, and the dates of usage;
- b. The reason the protective equipment was offered;
- c. A list of which crafts were offered which equipment;
- d. What recommendations or guidelines were provided to workers concerning proper usage of such equipment;
- e. Whether the use of any of the equipment was mandatory or optional;
- f. The identify of anyone having responsibility for ordering such equipment, training workers on its proper usage and overseeing that such equipment was used properly; and
- g. Identify and describe all documents relating to the decision to provide such equipment.

If such respiratory masks, appliances or other protection equipment were not provided at your facility during this time period, please state whether such respiratory masks, appliances or other protection equipment were provided at any of your other facilities and, if so, when.

ANSWER TO INTERROGATORY NO. 30

See objections and answer to Interrogatory No. 27.

INTERROGATORY NO. 31

Please provide a reasonable description of any industrial hygiene controls (e.g., exhaust ventilation, wetting down procedures, closed conveyor systems), recommended safe working practices (e.g., respiratory protections, roping off areas in which asbestos is being applied or removed, etc.) or exposure monitoring programs with respect to asbestos exposure at your facility up to 1985. If there were no industrial hygiene controls at your facility during this time period, please state whether there were any such hygiene controls, recommended working practices, or exposure monitoring programs at any of your other facilities and, if so, when they were implemented. If there

were industrial hygiene controls, recommended working practices, or exposure monitoring programs at your facility during this time period, please state:

- a. The substance of the industrial hygiene controls, safe working practices or exposure monitoring;
- b. The date when such a control, practice or monitoring was put in place and the years each remained in effect;
- c. The means by which the employees were informed of the need for such a control, practice or monitoring;
- d. The identify of the persons involved in the drafting, implementation and operation of each such control, practice or monitoring; and
- e. Describe all documents referring to such controls, practices or monitoring.

ANSWER TO INTERROGATORY NO. 31

See objections and Answers to Interrogatory Nos. 27 and 30.

INTERROGATORY NO. 32

Please provide the following information as to each written or oral caution, warning, hazard statement, explanation, or written instructions with regard to proper procedures to be followed when working around asbestos which your facility gave to workers up to 1985;

- a. The precise wording of each caution, warning, etc.;
- b. The date when such caution or warning was first provided;
- c. The manner such warning or instruction was disseminated;
- d. Which workers received the warnings;
- e. The persons involved in drafting and conveying the warnings; and
- f. Identification of all documents reflecting or referring to such warnings.

If no such cautions, warnings, statements, explanations or instructions were given at your facility during this time period, please state whether any such cautions, warnings, statements, explanations, or instructions were given at any of your other facilities and, if so, when they were implemented.

ANSWER TO INTERROGATORY NO. 32

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Interrogatory No. 32 as over broad, unduly burdensome and because it seeks

irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Additionally, the request seeks not only written warnings, but any oral statement, explanation etc. Considering Exxon's size responding to that request would be impossible.

The request is also unduly burdensome because, even assuming it were limited to the times and locations identified in plaintiff's pleadings and through discovery, plaintiff fails to identify with sufficient specificity when and where he worked at Exxon.

Without waiving these objections, *see* documents previously produced to counsel for plaintiffs in the *Emery* matter.

INTERROGATORY NO. 33

- a. Did Defendant enter into any contracts with the U.S. Government or any of its agencies between 1960 and 1972, wherein the amount of said contract exceeded \$10,000?
- b. If the answer to (a) is "yes," did any of the materials, supplies, articles or equipment manufactured or furnished under said contracts originate from Defendant's facility?

ANSWER TO INTERROGATORY NO. 33

The general objections are incorporated in this response as if fully stated herein. Further, the Interrogatory is over broad because it requests information pertaining to years during which plaintiff was not working at an Exxon facility. Without waiving this objection, defendant has been unable to locate any contracts responsive to this Interrogatory.

INTERROGATORY NO. 33

Please provide a reasonable description of any steps taken to comply with §50:204.275 of the Walsh-Healy Public Contracts Act pertaining to Threshold Limit Values for asbestos at your facility for any year between 1960 and 1972.

ANSWER TO INTERROGATORY NO. 33

See response to the first Interrogatory 33.

INTERROGATORY NO. 34

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

ANSWER TO INTERROGATORY NO. 34

The general objections are incorporated in this response as if fully stated herein. Further, Defendant objects to Interrogatory No. 34 as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The Interrogatory is over broad because it seeks information on measurements and/or studies for time periods when plaintiff did not work at Exxon. For similar reasons, the request is unduly burdensome and seeks irrelevant information.

Even assuming the time period were limited by the petition and/or discovery and that the information were relevant, the request is unduly burdensome since plaintiff fails to identify with sufficient specificity when he worked at an Exxon facility. It is also burdensome because even though "defendant's facilities and premises" are defined as Exxon's Baton Rouge plants, and plaintiff alleges working at the Exxon Chemical and Refinery locations, he does not specify when he worked at each.

Without waiving these objections, Exxon states that it is making no such contention for purposes of this litigation at this time. However, Exxon does have information regarding the subject matter of this Interrogatory: Following the Bonsib report in 1937, Exxon started using the midjet impinger which was mentioned in that report, to evaluate asbestos dust and particles at Bayway (and presumably other facilities). The impinger was a hand-operated small aluminum pump that did not have any static electricity sparks to it; it operated like an organ grinder and at one-tenth of a cubic foot per minute rather than one cubic foot per minute. It was worn around the neck sometimes by the worker. Other times it would be held up to the worker's nose. New areas or operations were monitored. See documents previously produced to counsel for plaintiffs in the *Emery* matter.

INTERROGATORY NO. 36

Do you contend that Defendant specifically warned its employees and/or other persons on Defendant's premises about the hazards of asbestos and asbestos-containing products prior to 1970? If the answer is anything other than "no," identify each and every fact which supports this contention and identify all documents which specifically support this contention.

ANSWER TO INTERROGATORY NO. 36

The general objections are incorporated in this response as if fully stated herein. Further, Defendant objects to Interrogatory No. 36 as over broad, unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. It

is over broad because it seeks information about warnings given to workers other than plaintiff. Further, it is not limited to the time periods in which plaintiff worked at Exxon. Even assuming the time period were limited by the petition and/or discovery and that the information were relevant, the request is unduly burdensome since plaintiff fails to identify with sufficient specificity when he worked at an Exxon facility. It is also burdensome because even though "defendant's facilities and premises" are defined as Exxon's Baton Rouge plants, and plaintiff alleges working at the Exxon Chemical and Refinery locations, he does not specify when he worked at each.

Finally, Exxon objects to this Interrogatory because it implies that Exxon had a duty to warn employees of independent contractors, like plaintiffs.

Without waiving these objections, *see* documents produced in *Emery*.

RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1

All documents in the possession of defendant relating or pertaining to all prior lawsuits or other claims involving allegations of asbestos exposure by anyone in any of your facilities at which the plaintiff now alleges exposure to asbestos, including, but not limited to, copies of transcripts of prior deposition or trial testimony; all product lists; "work history sheets" or other discovery responses from previous or ongoing lawsuits, and any other documents regarding these lawsuits or claims.

RESPONSE TO REQUEST NO. 1

The general objections are incorporated in this response as if fully stated herein. Further, defendant objects to Request No. 1 as over broad and unduly burdensome and because it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and reserving its rights thereunder, Exxon has already produced to plaintiffs most of the documents responsive to this request.

REQUEST FOR PRODUCTION NO. 2

All documents relating or pertaining to all co-workers or persons that worked at the same facilities as plaintiff regarding his identification of asbestos-containing products.

RESPONSE TO REQUEST NO. 2

The general objections are incorporated in this response as if fully stated herein. Further, this request as written is incapable of being understood or answered.

REQUEST FOR PRODUCTION NO. 3

All documents (including but not limited to invoices, receipts or purchasing records) pertaining or relating to the presence or absence of asbestos-containing products at the sites identified in plaintiff's discovery responses.

RESPONSE TO REQUEST NO. 3

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it seeks information from time periods when plaintiff did not work at Exxon. Even if limited to the general time periods asserted in plaintiff's petition and through discovery, answering the request would be unduly burdensome because plaintiff fails to identify with sufficient specificity when he worked at Exxon. The request is vague since it does not define or identify the particular asbestos-containing product. Subject to and without waiving these objections, *see* documents produced by Exxon in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 4

All documents relating or referring to your knowledge of the presence or absence of asbestos-containing products manufactured, sold or distributed by any of the Defendants in this case at any job site at which Plaintiff alleges he worked.

RESPONSE TO REQUEST NO. 4

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible

evidence. The request is over broad and seeks irrelevant information to the extent it seeks information about time periods when plaintiff did not work at Exxon. Even assuming the request were limited to the time periods asserted in plaintiff's petition and through discovery, answering it would be unduly burdensome because plaintiff fails to identify with sufficient specificity when he worked at Exxon. Moreover, the exact facilities are ill-defined. The request is vague to the extent that the term "knowledge" and other terms are not defined. Finally, the request seeks irrelevant information in the absence of any attempt to link the presence of asbestos-containing products to the exact locations where plaintiff worked.

Subject to and without waiving these objections, Exxon responds as follows: *See* response to plaintiffs' previous requests for production.

REQUEST FOR PRODUCTION NO. 5

All documents stating the names, identity or current residential or business address of current or former co-workers of plaintiff at your facilities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5

The general objections are incorporated in this response as if fully stated herein. Further, there are no documents which satisfy this request.

REQUEST FOR PRODUCTION NO. 6

All documents relating or pertaining to any claims made against you or your insurers, whether in the form of a lawsuit, workers' compensation claim, OSHA complaint or otherwise, involving the presence or use of asbestos-containing products at any of your facilities.

RESPONSE TO REQUEST NO. 6

The general objections are incorporated in this response as if fully stated herein. Further, Exxon incorporates its objection and response to Request No. 1.

REQUEST FOR PRODUCTION NO. 7

A copy of all pictures, or documents that contain pictures of any asbestos-containing products in use at any of your facilities.

RESPONSE TO REQUEST NO. 7

The general objections are incorporated in this response as if fully stated herein. Subject to these objections, *see* documents previously produced to counsel for plaintiffs in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 8

All documents relating or pertaining to the identity and present location of any persons that previously filed a lawsuit or other claim against defendant regarding alleged exposure to any asbestos-containing products at your facilities.

RESPONSE TO REQUEST NO. 8

The general objections are incorporated in this response as if fully stated herein. Further, Exxon incorporates its objections and responses to Request No. 1.

REQUEST FOR PRODUCTION NO. 9

All documents in your possession (including but not limited to pictures, photographs, drawings, sketches or otherwise) relating or pertaining to identifiable characteristics of asbestos-containing products. Documents responsive to this request include items reflecting names, packaging, or other characteristics of such products.

RESPONSE TO REQUEST NO. 9

The general objections are incorporated in this response as if fully stated herein. Subject to these objections, Exxon refers plaintiffs to the documents previously produced to plaintiffs' counsel in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 10

All documents, document indexes and computer databases that allow you to access specific knowledge concerning the presence or absence of any asbestos-containing products at your specific facilities.

RESPONSE TO REQUEST NO. 10

The general objections are incorporated in this response as if fully stated herein. Subject to these objections, Exxon refers plaintiffs to the documents previously produced to plaintiffs' counsel in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 11

All documents in your possession concerning property damage litigation relating or pertaining to the presence of asbestos-containing products at your facilities.

RESPONSE TO REQUEST NO. 11

The general objections are incorporated in this response as if fully stated herein. Further, this request for production does not seek to discover admissible evidence nor is it reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 12

Produce any and all documents, memoranda and/or other writings 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 TO REQUEST NO. 12

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to locations where the asbestos-containing products were located. Even assuming the request were limited to the time periods and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to state with sufficient specificity when and where he worked at Exxon. The request is vague since it does not identify the type of asbestos-containing products. Nor does it define "reflect, indicate or in any way relate."

Subject to and without waiving these objections, *see* invoices, purchase orders, and other documents produced in *Emery*.

REQUEST FOR PRODUCTION NO. 13

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE TO REQUEST NO. 13

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited to the time periods alleged by plaintiff. Even assuming it were limited to those time periods, answering the request would be unduly burdensome because the time periods are so ill-defined. The request is vague since it does not define the terms "indicate," or "hazardous to the health." It also does not specify the type of asbestos, or the level, duration, or circumstances of inhalation.

Subject to and without waiving these objections, defendant responds that it has already produced to counsel for plaintiffs in the *Emery* matter all documents in its possession which are responsive to this request.

REQUEST FOR PRODUCTION NO. 14

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

RESPONSE TO REQUEST NO. 14

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information to the extent it seeks publications regardless of when they came into defendant's possession. Even assuming the request were limited to publications acquired during the time period plaintiff was working at Exxon, answering the request would be unduly burdensome because that time period is so ill-defined. The request is vague since it does not define "hazards" or the type of asbestos.

Subject to and without waiving these objections, defendant responds that it has already produced to counsel for plaintiffs in the *Emery* matter all documents in its possession which are responsive to this request.

REQUEST FOR PRODUCTION NO. 15

Produce any and all documents, memoranda and/or other writings that indicate and/or reflect or refer 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, including but not

limited to written reports produced by such agency. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE TO REQUEST NO. 15

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested. Without specific identification of the document or documents sought, this request demands the production of attorney work product and requires counsel to render a legal opinion of what is relevant in this case.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information since it requests information concerning any of Exxon's plants, it is not limited to the time period alleged by plaintiff, and it is not confined to health or safety regulations concerning asbestos. Even assuming the request were limited to the locations and times asserted by plaintiff in his petition and through discovery, and were confirmed to asbestos, answering it would be unduly burdensome since plaintiff fails to state with sufficient specificity when and where he worked at Exxon. The request is also vague because it does not define and/or identify "indicate and/or reflect or refer," "dust hazards" and the type of asbestos.

Subject to these objections, defendant states that there are no documents in its possession which relate to the Baton Rouge facility which are responsive to this request.

REQUEST FOR PRODUCTION NO. 16

Produce any and all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos and/or safety measures to be used in the vicinity of asbestos at defendant's facilities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it concerns facilities

and time periods not alleged by plaintiff. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is also vague since it does not define and/or identify the "asbestos," "safety measures" or "vicinity."

Subject to and without waiving these objections, defendant responds that it has already produced to counsel for plaintiffs in the *Emery* matter all documents in its possession which are responsive to this request.

REQUEST FOR PRODUCTION NO. 17

Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos products at defendant's facilities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the writings to be produced with specificity and does not identify a class or a type of writing requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited the times and locations involving plaintiff. Even assuming the request were limited to the times and locations alleged by plaintiff, it is unduly burdensome because plaintiff fails to state with sufficient specificity when, and where he worked at Exxon. The request is also vague since it does not define "asbestos" or "asbestos products."

Subject to and without waiving these objections, defendant responds as follows: See documents produced to plaintiff's counsel in *Emery*.

REQUEST FOR PRODUCTION NO. 18

Produce any and all documents, memoranda and/or other writings that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at defendant's facilities.

RESPONSE TO REQUEST NO. 18

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence in that plaintiff did not participate in abatement work at Exxon's facility.

REQUEST FOR PRODUCTION NO. 19

Any and all videotapes and/or photographs and/or other recordation of the plaintiff.

RESPONSE TO REQUEST NO. 19

The general objections are incorporated in this response as if fully stated herein.

Subject to these objections, Exxon states that it has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 20

Any and all material safety data sheets for any asbestos-containing product used at defendant's facilities.

RESPONSE TO REQUEST NO. 20

The general objections are incorporated in this response as if fully stated herein. Subject to these objections, Exxon states that it has located no documents responsive to this request as of the date of this response.

REQUEST FOR PRODUCTION NO. 21

Produce any and all documents, memoranda and/or other writings that indicate and/or refer to in any way a decision related to ceasing the use of asbestos-containing products in any of your plants.

RESPONSE TO REQUEST NO. 21

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or location. Assuming the request were limited to the locations and time periods asserted in plaintiff's petition and through discovery, answering it would be unduly burdensome since plaintiff fails to

identify with sufficient specificity when and where he worked at an Exxon facility. The request is also vague because it does not define or identify the type of asbestos-containing products or the terms "indicate or refer to."

Subject to and without waiving these objections, defendant responds that all documents responsive to this request have been produced to counsel for plaintiffs in the *Emery* case.

REQUEST FOR PRODUCTION NO. 22

Produce any and all documents, memoranda and/or other writings that reflect and/or November 17, 1998 demonstrate in the form of a map and/or chart the layout of defendant's facilities, including the location and dimensions of all buildings and specifically including, but not limited to, the location and/or placement of asbestos-containing products at any time.

RESPONSE TO REQUEST NO. 22

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to location. Assuming the request were limited to the locations and time periods asserted in plaintiff's petition and through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at an Exxon facility. The request is also vague since it does not define or identify the type of asbestos product or the phrase "reflect or demonstrate."

Subject to and without waiving these objections, defendant responds as follows: Upon information and belief, defendant does not possess any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 23

Produce any brochures, pamphlets, catalogs, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or disseminated by you.

RESPONSE TO REQUEST NO. 23

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited to time or location. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is also vague since it does not define or identify the type of asbestos products or the "injury resulting from the use" of same. Subject to and without waiving these objections, defendant responds as follows: All documents responsive to this request have been produced to counsel for plaintiffs in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 24

Produce any photographs of asbestos products in place or asbestos products being fabricated and/or utilized at defendant's facilities.

RESPONSE TO REQUEST NO. 24

See response to Request for Production No. 7.

REQUEST FOR PRODUCTION NO. 25

Produce any photographs of warning signs or other statements in place at any time in the vicinity of asbestos-containing products or asbestos in place at any time in defendant's facilities.

RESPONSE TO REQUEST NO. 25

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. It is over broad because it is not limited in time or to location and it includes warnings or other statements having nothing to do with asbestos. Even assuming the request were limited to the time periods and locations alleged in plaintiff's petition and through discovery and it exclusively concerned asbestos related warnings, answering it would be unduly burdensome because plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is vague since it does not define or identify asbestos products or "asbestos in place."

Subject to and without waiving these objections, upon information and belief, defendant has not located any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 26

Produce any documents indicating in any way that individuals claimed injury to his lungs as a result of exposure to asbestos at defendant's facilities.

RESPONSE TO REQUEST NO. 26

See Response to Request Nos. 1 and 6.

REQUEST FOR PRODUCTION NO. 27

Produce any memoranda, writings or other documents, including but not limited to corporate minutes, which in any way contain a discussion of the hazards or potential hazards of asbestos.

RESPONSE TO REQUEST NO. 27

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, ~~over~~ broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad because it is not limited in time or to location, and insofar as the request relates to documents that "contain a discussion of the hazards or potential hazards of asbestos," is not limited in subject matter to any type of dusts.

Subject to and without waiving these objections, and without admitting the hazards or potential hazards of asbestos, defendant responds as follows: *See* documents produced to counsel for plaintiffs in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 28

Produce any insurance policies that might cover the claims made by plaintiff in this case.

RESPONSE TO REQUEST NO. 28

The general objections are incorporated in this response as if fully stated herein. Exxon is self-insured for purposes of this litigation.

REQUEST FOR PRODUCTION NO. 29

Produce any minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of defendant.

RESPONSE TO REQUEST NO. 29

See Response to No. 27.

REQUEST FOR PRODUCTION NO. 30

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase and/or installation of asbestos-containing products at defendant's facilities.

RESPONSE TO REQUEST NO. 30

See Response to Request No. 3.

REQUEST FOR PRODUCTION NO. 31

Produce any and all records, documents, memoranda or other writing reflecting in any way any 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." This request specifically includes any and all of your plants or facilities where asbestos-containing products were used and/or in place at any time.

RESPONSE TO REQUEST NO. 31

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information since it is expressly not limited in time or to location and includes counts for all dusts. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is also vague since it does not (1) identify the type or specific location of asbestos, (2) define "dust counts" or "asbestos-containing products," or (3) specify a unit of measure or a type of application.

Subject to and without waving these objections, defendant responds as follows: *See* documents produced to counsel for plaintiffs in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 32

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 TO REQUEST NO. 32

See Response to Request No. 31.

REQUEST FOR PRODUCTION NO. 33

Please produce any and 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 TO REQUEST NO. 33

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested. Without specific identification of the document or documents sought, this request demands the production of work product and requires counsel to render a legal opinion of what is relevant in this case.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad because it seeks documents written/created/edited by experts regardless of the date. To the extent the request seeks expert writings created near or after retention of the expert, the writing is not discoverable under Louisiana law and particularly *Weidenbacher v. St. Paul Fire & Marine Ins. Co.*, 347 So. 2d 1160, La. 1977, and Article 1424 of the Louisiana Code of Civil Procedure.

Subject to these objections, Exxon has not yet designated experts to testify in this case.

REQUEST FOR PRODUCTION NO. 34

Produce any and all documents provided to any expert or fact witnesses as a result of the filing of this case.

RESPONSE TO REQUEST NO. 34

The general objections are incorporated in this response as if fully stated herein. Defendant has not yet designated its experts.

REQUEST FOR PRODUCTION NO. 35

Produce any and all curriculum vitae and/or resumes of any of the experts and/or persons with knowledge of relevant facts that you have listed in your Answers to Interrogatories and/or on your Witness List.

RESPONSE TO REQUEST NO. 35

See documents produced in the *Emery* matter. Defendant will supplement this response as soon as possible.

REQUEST FOR PRODUCTION NO. 36

Produce any and 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 TO REQUEST NO. 36

To the extent the request seeks information on when the possible exhibits may be used, *i.e.*, either on direct or cross examination, it is asking for work product which is not discoverable. To the extent the request is seeking possible impeachment evidence, same is likewise not discoverable. Subject to and without waiving this objection, defendant does not yet know all of its exhibits.

REQUEST FOR PRODUCTION NO. 37

Produce a copy of any and all regulations, orders, rules and/or policies which govern the safety of the defendant's facilities.

RESPONSE TO REQUEST NO. 37

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence as well as a legal conclusion. The request is over broad and seeks irrelevant information because it is not limited in time or to location and it concerns all safety regulations regardless of whether asbestos is involved. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition

or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. Subject to and without waiving these objections, defendant responds as follows, *see* documents produced in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 38

Produce any and all documents which contain, relate or refer to complaints regarding safety conditions and/or work place conditions at the defendant's facilities.

RESPONSE TO REQUEST NO. 38

See objections and response to Request Nos. 1 and 6.

REQUEST FOR PRODUCTION NO. 39

Produce any and all documents which contain, relate or refer to complaints by union representatives of the employees at the defendant's plant regarding safety conditions and/or work place conditions and/or work place conditions at the plant.

RESPONSE TO REQUEST NO. 39

See Response to Request No. 38.

REQUEST FOR PRODUCTION NO. 40

Produce any documents, organizational charts or rosters, which identify the members of the management at the defendant's facilities and his areas of responsibility.

RESPONSE TO REQUEST NO. 40

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to location. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon.

Subject to and without waiving these objections, defendant responds as follows: *See* Bate Stamp Nos. EM003823 - EM003825.

REQUEST FOR PRODUCTION NO. 41

Produce any and all Interrogatory answers, responses to requests for production and/or responses to requests for admissions filed by defendant in any action wherein the plaintiff was claiming an injury from exposure to asbestos or asbestos-containing products.

RESPONSE TO REQUEST NO. 41

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it includes any action regardless of time or location of alleged exposure. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is also irrelevant because suits filed by other individuals have no bearing on the instant litigation. The request is vague since it does not define or identify the particular asbestos-containing products.

Subject to and without waiving these objections, defendant responds as follows: See documents previously produced to counsel for plaintiffs in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 42

Produce any and all correspondence, memoranda, documents and/or other communications between defendant and any of its workers' compensation carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE TO REQUEST NO. 42

The general objections are incorporated in this response as if fully stated herein. Subject to and without waiving these objections, defendant is self-insured and, therefore, there are no workers' compensation carriers.

REQUEST FOR PRODUCTION NO. 43

Produce any and all correspondence, construction contracts and/or other documents which discuss, relate or refer to services performed at any of defendant's facilities by the following entities: Anco Insulations; ACandS (a/k/a Armstrong Contracting and Supply); Ford Bacon and Davis Construction Corporation; Jacobs Constructors; the McCarty Corporation; Hullinghorst, National

Maintenance Corporation; Nichols Construction Corporation; Raytheon Engineers and Constructors; Stone and Webster Engineering Corporation; Tidewater Construction Corporation; Reilly-Benton Company, Inc.

RESPONSE TO REQUEST NO. 43

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to location. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon. The request is also vague since it does not define "discuss, relate or refer" to the subject matter.

Subject to and without waiving these objections, defendant responds as follows: See invoices, purchase orders, etc. previously produced in *Emery*.

REQUEST FOR PRODUCTION NO. 44

Produce any and all correspondence, memoranda and/or documents regarding asbestos, if any, which were provided by defendant to contractors performing services on defendant's premises.

RESPONSE TO REQUEST NO. 44

The general objections are incorporated in this response as if fully stated herein. Further, this request does not identify the documents to be produced with specificity and does not identify a class or a type of document requested.

Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to location. Even assuming the request were limited to the times and locations alleged by plaintiff in his petition or through discovery, answering it would be unduly burdensome since plaintiff fails to identify with sufficient specificity when and where he worked at Exxon.

Subject to and without waiving these objections, defendant responds as follows: *See* documents produced to plaintiffs' counsel in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 45

Any and all material safety data sheets for any asbestos-containing product used at defendant's plant.

RESPONSE TO REQUEST NO. 45

See Response to Request No. 20.

REQUEST FOR PRODUCTION NO. 46

Produce any and all deposition transcripts or trial transcripts of any witness taken in any action wherein the plaintiff was claiming an injury from exposure to asbestos or asbestos-containing products at defendant's plant and defendant and/or defendant's officers and directors were a party to the litigation, either as a defendant, cross-defendant or third-party defendant.

RESPONSE TO REQUEST NO. 46

See objections and response to Request Nos. 1, 6 and 26.

REQUEST FOR PRODUCTION NO. 47

Produce any and all Interrogatory answers, responses to Request for Production and/or responses to Requests for Admissions filed by defendant and/or defendant's officers and directors in any action wherein the plaintiff was claiming an injury from exposure to asbestos or asbestos-containing products at defendant's plant.

RESPONSE TO REQUEST NO. 47

See response to Request No. 46.

REQUEST FOR PRODUCTION NO. 48

Produce any and all safety manuals and/or safety handbooks provided to defendant's employees at any time.

RESPONSE TO REQUEST NO. 48

The general objections are incorporated in this response as if fully stated herein. Exxon further objects that the request is vague, ambiguous, over broad, unduly burdensome, and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. The request is over broad and seeks irrelevant information because it is not limited in time or to location nor to Exxon employee as opposed to employees of contractors. Assuming the request were limited

to strictly Exxon employees employed at the same time periods and locations alleged by plaintiff, answering the request would be unduly burdensome because plaintiff fails to identify with sufficient specificity when and where he worked at Exxon.

Subject to and without waiving these objections, defendant responds as follows: *See* documents produced to plaintiffs' counsel in the *Emery* matter.

REQUEST FOR PRODUCTION NO. 49

Produce any and all written or tangible documentation, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind, evidencing or referencing the medical examination program(s), medical monitoring program(s) or other medical surveillance provided, offered or sponsored by the defendant, its facility, or its insurance carrier(s) with regard to plaintiff or other workers, exposed or potentially exposed to asbestos at the defendant's facility.

RESPONSE TO REQUEST NO. 49

The general objections are incorporated in this response as if fully stated herein. Subject to these objections, Exxon refers plaintiffs' counsel to the documents it produced in the *Emery* matter. Defendant, as of the date of these responses, has not located any documents which pertain specifically to plaintiff.

REQUEST FOR PRODUCTION NO. 50

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

RESPONSE TO REQUEST NO. 50

See response to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 51

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 TO REQUEST NO. 51

The general objections are incorporated in this response as if fully stated herein. Subject to those objections, Exxon states that it has no documents responsive to this request which pertain to the subject matter of this case.

REQUEST FOR PRODUCTION NO. 52

All records identified in Interrogatory No. 10(g).

RESPONSE TO REQUEST NO. 52

There is no Interrogatory No. 10(g).

Submitted by:



Gary A. Bezet (#3036)
KEAN, MILLER, HAWTHORNE,
D'ARMOND, McCOWAN & JARMAN
Post Office Box 3513
One American Place, 22nd Floor
Baton Rouge, LA 70821
Telephone: (225) 387-0999

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been mailed, postage prepaid, to all counsel of record.

Baton Rouge, Louisiana, this 18th day of November, 1998.



Gary A. Bezet