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September 7, 2000

**PLAINTIFF'S
EXHIBIT
KRC-205**

TO: Jerry Deere
Brazoria County District Clerk
400 Courthouse
111 East Locust Street
Angleton, TX 77515-1678

RE: Cause No. 90G2055; *Weldon R. Moake, et al v. Owens-Corning Fiberglas Corporation*
(a/k/a *Owens Corning Corporation*), et al; In the 239th Judicial District of Brazoria County,
Texas

Dear Mr. Deere:

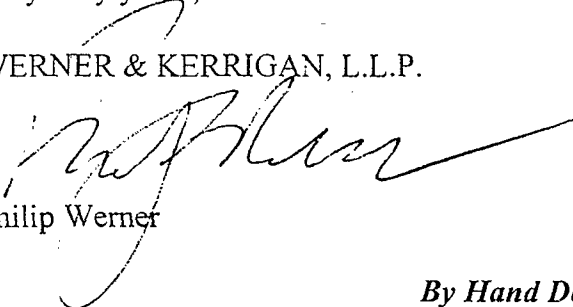
Enclosed for filing in the above-referenced case please find Defendant Koch Petroleum Group, L.P.'s Certificate of Written Discovery regarding its Amended Objections and Responses to Plaintiff's First Set of Interrogatories, First Request for Production, and First Request for Admissions.

Please acknowledge receipt and filing of this document by file-stamping the attached copy and returning same to us via the enclosed self-addressed and postage paid envelope. Also, by copy of this letter, all known counsel of record are being served with a copy of this document.

Thank you for your assistance in this matter.

Very truly yours,

WERNER & KERRIGAN, L.L.P.


Philip Werner

PW/rg/Encs.

cc: Holly J.W. Huart
Enc. Baron & Budd
The Centrum, #1100
3102 Oak Lawn Avenue
Dallas, TX 75219

By Hand Delivery

Copy to all known defense counsel by regular mail

NO. 90G2055

WELDON R. MOAKE, et al

VS.

OWENS-CORNING FIBERGLASS
CORPORATION (a/k/a OWENS
CORNING CORPORATION); et al

§
§
§
§
§
§

IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS

239th JUDICIAL DISTRICT

CERTIFICATE OF WRITTEN DISCOVERY

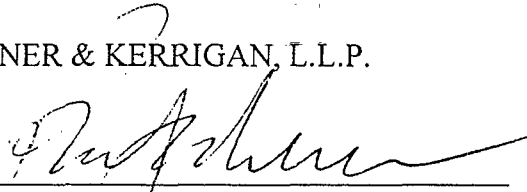
Pursuant to the Local Rules of Brazoria County, Defendant Koch Petroleum Group, L.P., improperly designated as "Koch Refining Company (individually & successor to Suntide Refining Company and Sun Company, Inc.)," files this Certificate of Written Discovery.

On the 7th day of September, 2000, Koch Petroleum Group, L.P., served the following discovery materials pursuant to Rule 21a of the Texas Rules of Civil Procedure to Holly J.W. Huart and Stephanie Finch of Baron & Budd, The Centrum, #1100, 3102 Oak Lawn Avenue, Dallas, Texas 75219.

Amended Objections and Responses of Koch Petroleum Group, L.P. to Weldon Moake's First Set of Interrogatories, First Request for Production, and First Request for Admissions.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

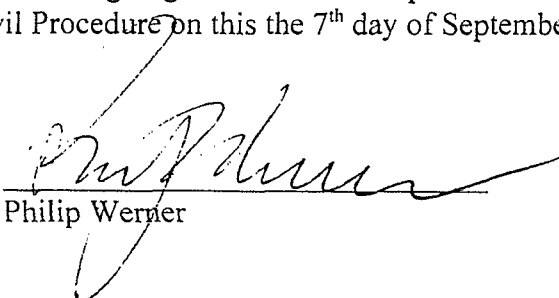
By: 

Philip Werner
State Bar No. 21190200
1300 Post Oak Blvd., #2225
Houston, TX 77056
Telephone: 713-626-2233
Facsimile: 713-626-9708

Counsel for defendant, Koch Petroleum Group, L.P., improperly designated as "Koch Refining Company (individually & successor to Suntide Refining Company)"

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all known counsel of record pursuant to the Texas Rules of Civil Procedure on this the 7th day of September, 2000.



Philip Werner

NO. 90G2055

WELDON R. MOAKE, et al	§	IN THE DISTRICT COURT OF
	§	
VS.	§	BRAZORIA COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLASS	§	
CORPORATION (a/k/a OWENS	§	
CORNING CORPORATION); et al	§	239 th JUDICIAL DISTRICT

**FIRST AMENDED MOTION FOR PROTECTION,
OBJECTIONS AND RESPONSES OF KOCH PETROLEUM
GROUP, L.P. TO WELDON R. MOAKE'S
FIRST SET OF INTERROGATORIES, FIRST REQUEST
FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

TO: Plaintiff, Weldon Russell Moake, by and through his counsel of record, Holly J.W. Huart and Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, #1100, Dallas, Texas 75219.

COMES NOW, Defendant, Koch Petroleum Group, L.P., improperly designated as "Koch Refining Company (individually & successor to Suntime Refining Company and Sun Company, Inc.)," (hereinafter referred to as "Defendant"), and files this its First Amended Motion for Protection, Objections and Responses to Plaintiff Weldon R. Moake's First Set of Interrogatories, First Request for Production, and First Request for Admissions.

I.

MOTION FOR PROTECTION

In addition to the objections hereinafter stated, Defendant seeks the Court's protection with respect to the production and location of production of the massive number of documents requested by Plaintiff.

(A) Defendant seeks relief from the labeling requirements relative to the production. In the event this defendant's objections are overruled, then the Court may be requiring this defendant to produce massive quantities of documents. It would be an unnecessary expense and constitute harassment for this defendant to be put to the additional burden of labeling these documents. Defendant will produce the documents grouped as they are kept in the ordinary course of business, as provided by Rule 196.3 T.R.C.P., but it reserves the right not to label all things produced, as requested in Plaintiff's instructions.

(B) The documents which may be required to be produced in response to the many requests for production contained herein may be located at a number of different facilities, including Wichita, Kansas, or Corpus Christi and Houston, Texas, or elsewhere. Defendant requests the Court to enter an order protecting it from producing the documents at some specified place other than where they are stored or kept in the ordinary course of business or such other facility as the parties may agree to after conferring.

(C) Defendant seeks the Court's protection limiting Plaintiff's inquiries to information and discoverable materials post-dating November, 1981, when the refinery at issue in this case was purchased by Defendant.

II.

GENERAL OBJECTIONS

Defendant objects to those "definitions" contained in Plaintiff's discovery requests which attempt to assign meanings to words which differ from their ordinary and common meanings. These "definitions" render the requests overly broad and unduly burdensome.

Defendant objects to those "definitions" imposed in Plaintiff's discovery requests which purport to create burdens which are not required by the Texas Rules of Civil Procedure and, therefore, are beyond the scope of permissible discovery. Defendant will comply with the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence, and other Texas law in responding to Plaintiff's discovery requests.

Defendant objects to those discovery directed to this Defendant as "successor to" other companies for the reason that such designation is improper in that it misstates this Defendant's capacity. Such is a legally incorrect designation which may impose no greater burden on this Defendant than it has as an individual corporate defendant.

This Defendant objects to those discovery requests of Plaintiff which are not limited to those specific time periods and the refinery which is at issue in this lawsuit because they are overly broad. Defendant specifically objects to responding to each of the following requests, interrogatories and requests for admissions with respect to any facilities other than the facilities located in Nueces County. It will respond with respect to the refinery it owns in Corpus Christi, formerly known as the "Suntide Refinery", which it purchased in November, 1981.

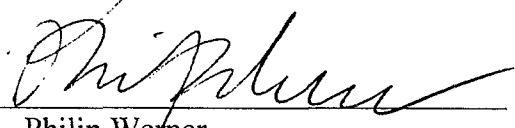
As used in the following responses, "the period in question" or similar term refers to the period of time Plaintiff claims to have worked at this Defendant's facility after November, 1981.

Defendant hereby specifically incorporates each of the foregoing objections into each specific answer and response set forth below. The following answers, responses and objections are filed subject to and without waiving these objections and any further objections stated in the answer or response.

With respect to the following responses, Defendant asserts that they are made at this time based on available information and are subject to correction or amendment as allowed by the Rules. Specifically, Defendant reserves the right to amend the following responses to requests for admissions which, although denied at this time, may at a later date be subject to full or conditional admission based on continuing investigation. The same is true of responses to interrogatories and requests for production, which, as investigation continues, will be supplemented as required by the Rules.

Respectfully submitted,

WERNER & KERRIGAN, L.L.P.

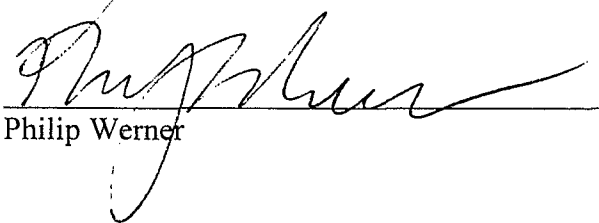
By: 

Philip Werner
State Bar No. 21190200
1300 Post Oak Blvd., #2225
Houston, TX 77056
Telephone: 713-626-2233
Facsimile: 713-626-9708

Counsel for defendant, Koch Petroleum Group, L.P.,
improperly designated as "Koch Refining Company
(individually & successor to Suntime Refining
Company)"

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Plaintiffs' counsel pursuant to the Texas Rules of Civil Procedure on this the 7th day of September, 2000.


Philip Werner

INTERROGATORY NO. 1:

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

ANSWER:

The answers to this extensive discovery have been assembled in this and other asbestos cases over a period of years from numerous sources, including the documents produced in this and related cases and from the following individuals, all of whom are employees of Koch Petroleum Group, L.P.:

Walter Greer, Regulatory Compliance Specialist, Corpus Christi, Texas;
H. Allan Caldwell, In-House Legal Counsel, Wichita, Kansas;
Willis Jernigan, Safety and Health Manager, Corpus Christi, Texas;
Daniel Shisler, Manager, Insurance Claims, Wichita, Kansas; and
Gary Carriger, Building Services Manager (head of document storage and retrieval), Corpus Christi, Texas.

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE:

Denied as to this defendant for the period in question.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

No documents showing the purchase of such products after the facility was purchased in 1981 have come to light. Investigation continues.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1952 and 1989.

RESPONSE:

Denied as to this Defendant for the period of time in question. It is clear that prior owners installed some asbestos containing products at the refinery, as this Defendant has had asbestos remediation work performed at the refinery, but some areas remain which are known to contain such materials.

INTERROGATORY NO. 2:

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

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

The source and installers of asbestos-containing insulation materials found at this defendant's Corpus Christi refinery is not known to this Defendant, which has removed but not installed asbestos-containing insulation materials since it purchased the facility.

REQUEST FOR PRODUCTION NO. 2:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None located.

REQUEST FOR ADMISSION NO. 3:

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

OBJECTION:

This request contains an implied or specific misstatement of fact, in that it assumes that Plaintiff was employed by Defendant, which is denied at this time. It is therefore objectionable in that it assumes facts which are contrary to the evidence in the case.

RESPONSE:

This request is denied as stated.

INTERROGATORY NO. 3:

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

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

The abatement work known to have occurred during the period of time in question is as reflected in the documents produced by this defendant.

REQUEST FOR PRODUCTION NO. 3:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

All such documents which could be located for the relevant time period have been produced.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE:

Denied at this time. This defendant has no record or proof that Plaintiff worked on its premises in Corpus Christi as he claims.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1952 and 1989, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None have been located naming Plaintiff or Thorpe Insulation Company, Plaintiff's purported employer when he claims to have been on the premises in question.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1952 and 1989, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and specifically including any fingerprinting or other records identifying the Plaintiff.

RESPONSE:

This Defendant has located no such records for the period of time in question.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1952 and 1989 and for each, state:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

This defendant has no pertinent records.

REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1952 and 1989, including but not limited to invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

This defendant has searched for contracts or similar documents with Thorpe Insulation and could located no such documents.

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1952 and 1989.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

The identity of the gate security personnel for the period of time in question is presently unknown to this defendant.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Denied as phrased. This defendant never "used or applied" asbestos during the relevant time period.

REQUEST FOR PRODUCTION NO. 9:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

No documents responsive to this request are available.

INTERROGATORY NO. 6:

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

OBJECTION:

This defendant objects to marshaling all facts which support its denial as being overbroad, burdensome, and inconsistent with the spirit of the rules of procedure and Plaintiff's burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos. This defendant stands by its general denial in that regard and requests that Plaintiff prove his case, as required by law. This defendant certainly has seen no evidence, other than Plaintiff's vague and general claim, that he was exposed to asbestos fibers on this defendant's premises.

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 10:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

See all documents produced.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE:

Denied at this time.

REQUEST FOR ADMISSION NO. 8:

Admit that in 1952 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE:

Denied at this time. To explain, this defendant has not segregated its knowledge so that it can now reconstruct what it "knew" about asbestos hazards in 1952 or any other specific year. Indeed, this defendant did not exist as such in 1952. Scientific and medical knowledge about the effects of asbestos is a developing field of knowledge, and the understanding of the health consequences of exposure to excessive quantities of asbestos dust has grown and changed over the years.

REQUEST FOR PRODUCTION NO. 11:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE:

This request appears to be a misprint. It is denied as phrased.

REQUEST FOR PRODUCTION NO. 12:

Produce any and all photographs or videographic depictions or films depicting the use by you or your employees of any safety precautions (such as containment areas, warning signs, etc.) taken to protect bystanders from the hazards of airborne asbestos resulting from the use of asbestos-containing products by your employees at any locations.

OBJECTION:

This request is overbroad and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request contains an implied or specific misstatement of fact, in that it assumes hazardous concentrations of airborne asbestos on Defendant's Premises created by Defendant's employees. It is therefore objectionable because it assumes facts contrary to the evidence or which are unproven at this time.

RESPONSE:

All available responsive items have been produced or will be made available.

INTERROGATORY NO. 7:

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

ANSWER:

Unknown at this time, except to the extent reflected in any materials which may be located and as evidenced by this defendant's longstanding policy of complying with all applicable regulations.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

All available materials have been or will be produced. Any materials would include the safety information which asbestos manufacturers or Plaintiff's own employer would have distributed, a copy of which is not available from this defendant, but will be produced if obtained.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Denied at this time.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it is unclear when Plaintiff worked on Defendant's Premises, if ever. It is therefore objectionable because it assumes facts contrary to the evidence or which are unproven at this time.

RESPONSE:

If any such materials are available for the period of Plaintiff's alleged employment, based on Plaintiff's pleadings and discovery responses, they will be made available at a mutually convenient time and place.

INTERROGATORY NO. 8:

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

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any material applicable to the facility in question will be produced. In general, however, this defendant has not used asbestos materials since it acquired the refinery in Corpus Christi. At all

times and places, it was this defendant's policy to comply with its obligations to its employees under OSHA and similar regulations.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

All available materials have been or will be produced.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.

INTERROGATORY NO. 9:

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

OBJECTION:

This defendant objects to marshaling all facts which support its denial as being overbroad, burdensome and inconsistent with the spirit of the rules of procedure and Plaintiff's burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos, that he suffered an illness as a consequence, and that Plaintiff was not properly warned by this defendant or Plaintiff's own employer. This defendant stands by its general denial and requests that Plaintiff prove his case as required by law. Investigation is continuing, and ex-employees of Thorpe Insulation and other defendants may have such information.

INTERROGATORY NO. 10:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is vague and unintelligible as written because it fails to state the time period involved. It is therefore objectionable and cannot be answered as written.

RESPONSE:

Documents related to Defendant's Corpus Christi refinery for the period of time in question have been or will be produced.

INTERROGATORY NO. 11:

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

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

This defendant has historically provided safety equipment to its own employees as it considered prudent and appropriate to protect them from time to time. Based on the best available information, employees of independent contractors generally obtain their safety equipment from their own employers, as provided by OSHA.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide face masks to contract employees working with or around asbestos from 1965 to 1969 for the purpose of protecting these employees from inhaling asbestos.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. It covers a period of time during which this defendant did not own the Corpus Christi refinery.

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to this request. It is therefore denied.

INTERROGATORY NO. 12:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents have been or will be produced.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1965 to determine the quantity of asbestos fibers in the air at the Koch Refining Company and Celanese, Ltd. facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. As an aside, this defendant does not know what

happened at Celanese, Ltd. This request seeks material subject to the attorney/client and/or work product privilege.

ANSWER:

This Defendant purchased the Suntide facility in November 1981. What was happening at the facility in 1965 at the Suntide refinery is unknown to this defendant, and this defendant has not located any documents related to that period.

INTERROGATORY NO. 14:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

No documents evidencing such inspections have been located for the period and facility in question.

REQUEST FOR ADMISSION NO. 13:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because this defendant is not aware when Plaintiff was present at the Suntide refinery, if ever, during the period of time that this defendant has owned the Suntide refinery. It is therefore objectionable and cannot be answered as written, and is therefore denied.

RESPONSE:

Subject to the objection, denied.

REQUEST FOR PRODUCTION NO. 16:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR ADMISSION NO. 14:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 17:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 15:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 18:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 16:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objection, denied.

REQUEST FOR PRODUCTION NO. 19:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All relevant documents that could be located have been produced.

REQUEST FOR ADMISSION NO. 17:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objection, denied.

REQUEST FOR PRODUCTION NO. 20:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 18:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objection, denied.

REQUEST FOR PRODUCTION NO. 21:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

INTERROGATORY NO. 15:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

The only information available is in the documents produced and a function of Koch's longstanding policy of compliance with OSHA and HAZCOM standards.

INTERROGATORY NO. 16:

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

- a. state when this policy was implemented;

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Koch has for years had a respiratory protection policy in place. It is not possible to reconstruct the exact contents for the time period in question.

REQUEST FOR ADMISSION NO. 19:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 22:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 20:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request is vague and unintelligible as written because it does not specify the specifics of the "worksites where Plaintiff was present." It is therefore objectionable and cannot be answered as written.

RESPONSE:

Subject to the foregoing objections, denied.

REQUEST FOR PRODUCTION NO. 23:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1952 and 1989, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

This defendant did not own the Suntime refinery until 1981. It has no records dating from the period of time inquired about. If any documents related to Plaintiff's employer are located, they will be produced.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1952 and 1989 Defendant had the power to control Defendant's Premises.

RESPONSE:

Denied. The premises was not owned by this defendant during the years 1965 to 1981. Admitted as to the years following November, 1981.

REQUEST FOR PRODUCTION NO. 25:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

The documents related to the purchase of the facility are available for examination.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1952 and 1989, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 26:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 24:

Admit that, between the years 1952 and 1989, Defendant had the power to direct the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 27:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 25:

Admit that, between the years 1952 and 1989, Defendant had the power to superintend the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 28:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 26:

Admit that, between the years 1952 and 1989, Defendant had the power to restrict the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 29:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 27:

Admit that, between the years 1952 and 1989, Defendant had the power to regulate the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 30:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1952 and 1989, Defendant had the power to govern the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 31:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 29:

Admit that, between the years 1952 and 1989, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 32:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 30:

Admit that, between the years 1952 and 1989, Defendant had the power to administer the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 33:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 31:

Admit that between the years 1952 and 1989 Defendant controlled Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 34:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 32:

Admit that, between the years 1952 and 1989, Defendant managed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 35:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 33:

Admit that, between the years 1952 and 1989, Defendant directed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 36:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 34:

Admit that, between the years 1952 and 1989, Defendant superintended the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 37:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 35:

Admit that, between the years 1952 and 1989, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 38:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 36:

Admit that, between the years 1952 and 1989, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 39:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1952 and 1989, Defendant governed the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 40:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 38:

Admit that, between the years 1952 and 1989, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 41:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 39:

Admit that, between the years 1952 and 1989, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 42:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 43:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1952 and 1989, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Koch Refining Company (individually and as successor to Suntide

Refining Company and Sun Company, Inc.) facility, who were engaged in activities which could be potentially hazardous to either themselves or Koch Refining Company (individually and as successor to Suntime Refining Company and Sun Company, Inc.) employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

OBJECTION:

This interrogatory seeks material subject to the attorney/client and/or work product privilege.

ANSWER:

This defendant contends that it is entitled to and has denied Plaintiff's claims in this case and is placing Plaintiff to his burden of proof. This defendant specifically objects to marshaling all facts which support its denial as being overbroad, burdensome and inconsistent with the spirit of the rules of procedure and Plaintiff's burden of proof. As pointed out previously, Koch is not a successor to Suntime Refining or Sun Company, Inc., except that the refinery in Nueces County was purchased from those companies in November, 1981. After that date, Koch hired certain independent contractors to work on its premises, but maintained an independent contractor relationship with them.

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 44:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Denied. Based on his own testimony, Plaintiff apparently worked for an independent contractor, Thorpe Insulation.

REQUEST FOR PRODUCTION NO. 45:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 46:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

All documents which are relevant to the period of time in question and which could be located have been produced.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

It is admitted that asbestos pipe insulation was in place at the refinery when it was purchased by this defendant.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

It is admitted that there have been asbestos-containing boilers on the premises since it was purchased in 1981.

REQUEST FOR PRODUCTION NO. 49:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE:

Despite reasonable inquiries, this defendant is unable to respond to this request because it has no information pertaining to the request, insofar as it pertains to the period of time Plaintiff is alleging he was employed at the Suntide refinery. It is therefore denied.

REQUEST FOR PRODUCTION NO. 50:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

It is admitted that there has been asbestos-containing joint compound on the premises since it was purchased in 1981.

REQUEST FOR PRODUCTION NO. 51:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

It is admitted that there has been asbestos-containing insulation on the premises since it was purchased in 1981.

REQUEST FOR PRODUCTION NO. 52:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 53:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

The relevant document is the purchase agreement, by which Koch purchased the facility in question. This document has been made available.

INTERROGATORY NO. 18:

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

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

ANSWER:

No current employee of this defendant is able to respond to this question on behalf of this company.

REQUEST FOR PRODUCTION NO. 54:

Produce all documents that indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Subject to the objection, such documents as are now available, in addition to those produced, can be produced at this defendant's premises in Nueces County at a mutually convenient time.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 53:

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

OBJECTION:

This request is vague and unintelligible as written because it assumes that this defendant had a relationship with Plaintiff or his employer, when the years Plaintiff is apparently claiming he worked at the Suntime refinery, now owned by Koch, was a period of time more than 10 years prior to this defendant's purchase of the facility. The request can therefore neither be admitted nor denied as phrased. With respect to this defendant's predecessors in interest, this defendant specifically has insufficient knowledge to admit or deny this request.

RESPONSE:

Denied as phrased.

REQUEST FOR PRODUCTION NO. 55:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents relevant to this case have been produced, made available to or were obtained from Plaintiffs' counsel.

INTERROGATORY NO. 19:

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

OBJECTION:

This defendant objects to marshaling all facts which support its general denial as being overbroad and burdensome and inconsistent with the spirit of the rules of procedure and misplaces the burden of proof.

ANSWER:

It is Plaintiff's burden to prove that he was exposed to asbestos and that this exposure caused an asbestos-related injury. This defendant stands by its general denial in that regard and requests that Plaintiff prove his case as required by law.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 56:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 57:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 58:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 59:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 60:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 61:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

See medical reports from examining physicians and "B" readers, together with other expert reports and documents produced.

REQUEST FOR PRODUCTION NO. 62:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 63:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 64:

Produce any and all documents and other tangible things which refer to the document retention (and/or destruction) policy of Defendant, including the following:

- a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.
- b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiched, imaged, scanned, or stored on tapes, disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any such policy will be produced.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indices, databases or print-outs thereof, archives, storage inventories, logs, or other search aids that refer or relate to the existence, extent, type, organization, filing system, method of access or retrieval, and/or location of Defendant's documents (maintained or stored on-site or off-site) described in the preceding paragraphs.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

All available documents have been produced.

INTERROGATORY NO. 20:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be

hazardous to the health of human beings? If so, identify the individuals who received, maintained, reviewed, or disseminated the information contained in such written materials.

OBJECTION:

This interrogatory is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

This defendant has available various materials at its Nueces County facility, but it is unclear they cover the period of Plaintiff's presence there. They can be made available, however, at the facility.

REQUEST FOR PRODUCTION NO. 66:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents will be produced at a mutually convenient time, where they are kept or at the undersigned counsel's office.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 60:

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

OBJECTION:

Admitted that asbestos remains in place in certain limited areas of the Corpus Christi refinery. It is not "used," but rather has been left in place, subject to future abatement.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

It is admitted that this defendant is not installing any new asbestos products on its premises.

REQUEST FOR PRODUCTION NO. 67:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None located.

REQUEST FOR PRODUCTION NO. 68:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents will be produced at a mutually convenient time, where they are kept or at the undersigned counsel's office.

REQUEST FOR PRODUCTION NO. 69:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents pertinent to the facility and time in question will be produced.

REQUEST FOR PRODUCTION NO. 70:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which can be located will be produced, limited to Defendant's Corpus Christi facility, for the period Plaintiff allegedly worked at the facility.

REQUEST FOR PRODUCTION NO. 71:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents for the Corpus Christi refinery have been produced.

REQUEST FOR PRODUCTION NO. 72:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None for the Corpus Christi refinery for the period of Koch's ownership.

REQUEST FOR PRODUCTION NO. 73:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 74:

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

OBJECTION:

This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

These documents have been obtained from Plaintiff and from records services. Copies of any such documents are available for inspection at the office of the undersigned counsel.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

None available.

REQUEST FOR PRODUCTION NO. 76:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 77:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 78:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 79:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 80:

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

OBJECTION:

This invades the privacy rights of third parties, who are not parties in this case. This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 81:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 82:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 83:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 84:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 85:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Any responsive documents which could be located have been produced or will be produced at a mutually agreeable time, at the undersigned counsel's office or this defendant's Corpus Christi facility.

REQUEST FOR PRODUCTION NO. 86:

Produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which

you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All such documents have been or will be made available.

REQUEST FOR PRODUCTION NO. 87:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

Any such items located will be produced.

REQUEST FOR PRODUCTION NO. 88:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

There are no citations which have been located related to asbestos for the period of time in question.

REQUEST FOR PRODUCTION NO. 89:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None located.

REQUEST FOR PRODUCTION NO. 90:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

None located.

REQUEST FOR PRODUCTION NO. 91:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

No such charts are available for the time in question.

REQUEST FOR PRODUCTION NO. 92:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Proper net worth information will be provided, upon a prima facie demonstration which may support a finding of gross negligence, such as defendant's net worth becomes an issue in this matter.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

Appropriately redacted copies of the purchase of the Suntide refinery by this defendant are available for examination and copying at the offices of the undersigned counsel.

REQUEST FOR PRODUCTION NO. 94:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Some of these agreements are private in nature, are confidential and are wholly irrelevant to any issue in this case.

RESPONSE:

Documents related to Plaintiff's employer will be produced, if located. An exemplar field services agreement can be made available, demonstrating the format of contracts used during the period in question.

REQUEST FOR PRODUCTION NO. 95:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Documents related to Plaintiff's employer will be produced, if located. An exemplar field services agreement can be made available, demonstrating the format of contracts used during the period in question.

REQUEST FOR PRODUCTION NO. 96:

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

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 97:

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

OBJECTION:

This request seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

All available documents have been produced.

REQUEST FOR PRODUCTION NO. 98:

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

minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

OBJECTION:

This request is overbroad, duplicative and burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. This request also seeks material subject to the attorney/client and/or work product privilege.

RESPONSE:

Documents evidencing purchase of a refinery located in Corpus Christi, Texas, by Koch from Sun Company in 1981 have been made available or will be made available at a mutually convenient time and place.