

159TH JUDICIAL DISTRICT

and repetition of restating them in each response.

These common objections may be specifically referred to herein for the purposes of clarity. Defendant's failure to specifically incorporate a common objection in a response, however, should not be construed as a waiver of the common objection.

1. Defendant objects to each request for information and documents to the extent it seeks information or documents protected from disclosure by the attorney-client privilege, the attorney work product privilege, and/or the party communication privilege provided for the Rule 166b, *Tex. R. Civ. P.* and Rule 503, *Tex. R. Evid.*

2. Defendant further objects to each request for information or documents to the extent that it seeks non-relevant information or documents. As used herein, all objections as to relevance shall mean that information or documents requested are irrelevant to the subject matter involved in the pending action and are not reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant further objects to each request for information or documents to the extent that it seeks information or documents equally accessible to Plaintiff as to Defendant.

4. Defendant further objects to each request for information or documents to the extent that it seeks information or documents not in the possession or control of Defendant.

5. Defendant further objects in that the requests require answers in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P.* 168(5).

Subject to the foregoing common objections, Defendants Brown & Root USA, Inc. and

Brown & Root, Inc., file these Amended Responses to Plaintiff's Interrogatories and Requests for Production of Documents served on or about April 23, 1997:

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 2: State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 3: Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Decedent was exposed or facts disputing the identification of asbestos-containing products or type of product in this case.
- B. Plaintiffs damages, injuries, and/or facts disputing Plaintiff's alleged damages and/or injuries;
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damage.
- D. Each of Defendant's defenses enumerated in Defendant's most recently filed Answer.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Interrogatory No. 22 contained in Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 4: Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- A. The name, address, and job classification of each such expert witness;
- B. The subject matter on which the expert is expected to testify;
- C. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.
- D. Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report.
- E. Identify all documents that you have provided to each person identified in response to subparagraph (a) above
- F. Described in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Interrogatory No. 21 contained in Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 5: Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, memoranda, warning signs or statements, pamphlets, catalogs, packaging, or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, state:

- A. The names of each relevant product or type of product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the materials to person likely to use the products or likely to be exposed to asbestos.

- E. The date each warning was first issued or distributed.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 6: State whether you or any of your predecessors and/or subsidiaries maintain, from 1950 through the present or for any portion thereof, copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products for use at -any of the locations (and or on-board vessels) where the Plaintiff(s) or Decedent(s) were exposed to asbestos. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by plant, by product type, etc.

AMENDED RESPONSE: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000. Further, Brown & Root states that it has produced all contracts and work orders relating to work it performed at the Lufkin Paper Mill to Plaintiffs for the years referenced. In addition, Brown & Root refers Plaintiffs to the documents produced to Plaintiff's counsel by Champion in this and related litigation. Brown & Root has produced all documents responsive to this interrogatory to Plaintiffs in this case and to the extent the information sought by this interrogatory is contained within these documents, the burden of ascertaining the answer is the same for Plaintiffs as for Brown & Root.

INTERROGATORY NO. 7: Before 1985, had you received notice that any individual or individuals had claimed injury as a result of exposure to asbestos in products produced or used by your company?

- A. The name and address of each claimant
- B. The date of notice of each claim.
- C. A description of each claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represented each individual making a claim;
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

PREVIOUSLY FILED OBJECTIONS: Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Defendants also object to that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, Brown & Root did not produce any asbestos-containing products. In addition, Brown & Root is unaware that any of its employees have alleged any injuries relating to asbestos-exposure at the Lufkin Paper Mill.

INTERROGATORY NO. 8: List each employee, contractor or consultant who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, the individual who acted in a medical advisory capacity to Brown & Root is Robert Conte, M.D., c/o Kellogg-Brown & Root, 4100 Clinton, Drive, Houston, TX.

INTERROGATORY NO. 9: Did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to any of your plants where asbestos-containing products were being used or installed to make or take dust level counts? If so, state when this procedure was done, the purpose of such procedures, and all results of such procedures.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 10: Identify by name each product containing asbestos that Defendant or any of its predecessors or subsidiary companies manufactured, sold, distributed, purchased, installed or used and the time periods and location of the manufacture, sale, distribution, purchase, installation or use.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*.

AMENDED ANSWER: Subject to all previously filed objections and based upon available information, Brown & Root did not manufacture, sell, distribute or purchase any asbestos-containing products for use at the Champion Paper Mill during the time that Willie Moore was employed there. Willie Moore's employer, the Champion Paper Mill, was responsible for the design of the Paper Mill and issued specifications and engineering drawings that contractors, including Brown & Root, were bound by if awarded the work. To the extent that Brown & Root workers may have had to install asbestos-containing materials at some point in time during construction and renovation of the Champion Paper Mill, those materials were purchased by the Champion Paper Mill from insulation manufacturers and distributors, as explained by Champion in its sworn discovery responses in this case. For additional information, Brown & Root refers Plaintiffs to the documents produced by Champion in this and related litigation, many of which Brown & Root has produced to Plaintiffs herein.

INTERROGATORY NO. 11: 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, state:

A. The name of each such publication.

- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 12: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any information relating to the hazards of asbestos? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations related in any way to the hazards of asbestos.
- D. Whether any of those publication are still in your possession, and if so:
 - 1. A description of the publications, including the date.
 - 2. The current location of such publications.
 - 3. The custodian of such publications.
 - 4. The method or manner in which such publications are maintained.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to

Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 13: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of such meeting.
- B. The general subject matter discussed at each meeting
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 14: State in detail what tests, if any, Defendant ever made 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 at any of your work sites.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, to the extent this

Interrogatory seeks information about the Champion Paper Mill, the best source for such information would be the premises owner, St. Regis/Southland and/or Champion, who exerted complete control over the work environment and was ultimately responsible to provide its employees, including Willie Moore, with a safe work environment. In fact, documents produced to Plaintiffs by Champion indicate that Champion did not perform or arrange for the performance of dust level counts and bulk sample analyses of materials present at the Lufkin Paper Mill until 1986.

Brown & Root was hired by Plaintiff's employer, St. Regis Paper, Southland Paper and/or Champion Paper to perform a variety of construction work at the Lufkin Paper Mill, the overwhelming majority of which had absolutely nothing to do with asbestos. Based on available information, Brown & Root did not arrange for any labor inspectors or insurance company inspectors to go to the Lufkin Paper Mill to make or take dust level counts in areas where asbestos-containing products were being used or installed. In addition, to the extent that a small portion of Brown & Root work at the Lufkin Paper Mill involved the use of asbestos containing materials, safety personnel would have performed "dust level counts" to the extent required by applicable law at the time, however, records of such activity were typically kept at the job site for a period of three years (until OSHA extended records retention requirements). Thus, records of such activity no longer exist.

INTERROGATORY NO. 15: Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Brown & Root has provided Plaintiff with a list of Exhibits it expects to use at the trial of this case. However, since it is impossible to forecast exactly what evidence Plaintiff will introduce at trial, Brown & Root reserves the right to introduce countervailing exhibits to rebut any evidence offered by Plaintiff.

INTERROGATORY NO. 16: Please state whether Defendant has at any time provided safety equipment to the Pasadena, Texas plant for workers' protection against the inhalation of asbestos or the dangers of asbestos fibers, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such was first provided to your workers at the Pasadena, Texas plant, under what

circumstances such were provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

AMENDED ANSWER: Subject to all previously filed objections, Plaintiff was never employed at the Pasadena, Texas plant. Therefore, this interrogatory does not apply.

INTERROGATORY NO. 17: Please describe each and every occasion during the past forty years when any regulatory agency or other governing body inspected any of your plants for the purpose of ascertaining whether health or safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, to the extent this interrogatory inquires about inspections at "plants" owned by Brown & Root, Brown & Root is unaware of any such activity. To the extent this interrogatory inquires about inspections at the Champion Paper Mill, Brown & Root directs Plaintiffs to the premises owner for the information sought. The premises owner, in this particular case, Champion/Southland/St. Regis would be the best position to answer this question. Moreover, Brown & Root has become aware through its investigation in this case that the Lufkin Paper Mill was inspected and cited by state and federal regulatory agencies (OSHA, Texas Air Control Board and Texas Natural Resource Commission) for violations relating to asbestos at the Champion Paper Mill in Lufkin, Texas and the Champion Paper Mill in Sheldon, Texas. The particulars of these inspections can be found in the documents produced by Champion and Brown & Root to Plaintiffs in this case.

INTERROGATORY NO. 18: Please state whether a medical monitoring program, medical examination program, or other medical surveillance was provided to your employees and specifically to Decedent. If so, please indicate what records of such program, examination or surveillance concerning Decedent exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in

that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, Brown & Root, as a contractor doing construction work at the Lufkin Paper Mill, was not responsible for providing Mill employees like Willie Moore with medical monitoring, medical examinations or medical surveillance. Willie Moore's employer, Champion Paper, was responsible to provide Willie Moore with a safe workplace, to warn of any hazards present, and to provide medical monitoring, medical examinations and medical surveillance as required under the law. As for Brown & Root employees, Brown & Root administered pre-employment physicals, however, it is unclear exactly when this practice began. In addition, Brown & Root took steps to comply with the medical monitoring requirements of OSHA after it was enacted. Documents relating to Brown & Root's compliance with the medical monitoring requirements of OSHA have been previously produced to Plaintiffs in this and other litigation.

INTERROGATORY NO. 19: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Safety Department? If so, state:

- A. The year such Safety Department was established;
- B. Whether or not such Safety Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Safety Director or Safety Department, and the last known address and phone number of each.
- D. State the duties and responsibilities of such Safety Department.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 20: Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, controlled and/or were applicable to asbestos exposure during your operations at the

Pasadena, Texas plant during the past forty years.

AMENDED ANSWER: Subject to all previously filed objections, Plaintiff was never employed at the Pasadena, Texas plant. Therefore, this interrogatory does not apply.

INTERROGATORY NO. 21: Please state whether written warnings were placed at any locations adjacent or near asbestos in place or in use at the Pasadena, Texas plant anytime from 1970 to 1984. If so, please describe with specificity such signs, including size, color, working, etc.

AMENDED ANSWER: Subject to all previously filed objections, Plaintiff was never employed at the Pasadena, Texas plant. Therefore, this interrogatory does not apply.

INTERROGATORY NO. 22: State the name, job title and length of time employed of each and every individual employed at any time by you, your subsidiaries, or predecessors, who has made or presented a Worker's Compensation or other claim for personal injury and/or death resulting from inhalation of, or exposure to, industrial dust or other contaminants, including but not limited to asbestos. Also state the nature of the injury or disease in each claim.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, none known at this time. Further, records of the type sought by this request may not exist under the existing document retention policy. Should records exist, a manual search will have to be made by a person who is hired specifically to perform this task. More importantly, Brown & Root would not necessarily have been privy to information received from its liability and workers' compensation carriers.

INTERROGATORY NO. 23: As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences of effects of the disease and/or of asbestos exposure.
- D. What information was disseminated while Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 24: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated while Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos fibers.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to

Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

INTERROGATORY NO. 25: As to the disease mesothelioma, state:

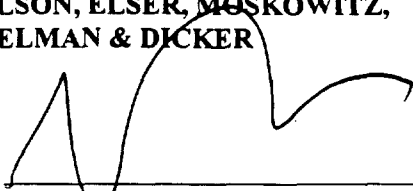
- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. The date of which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated while Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

PREVIOUSLY FILED OBJECTIONS: Defendant objects in that this request requires an answer in excess of the maximum allowable number of such requests in violation of the rule of limitation of interrogatory answers. *Tex. R. Civ. P. 168(5)*. Defendants object to this request in that it is repetitive of prior discovery propounded in this suit. Plaintiffs' repetitive request creates an undue burden and annoyance on Defendants.

AMENDED ANSWER: Subject to all previously filed objections, this interrogatory seeks information already furnished by Brown & Root. See Brown & Root's Amended Answers to Plaintiff's Interrogatories and First Request for Production (1/24/97) filed herein on or about January 31, 2000.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER**

By: 

PHILLIP S. BROWN

State Bar No. 03160300

5000 Renaissance Tower

1201 Elm Street

Dallas, Texas 75270

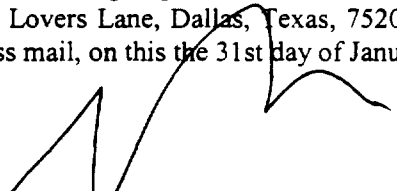
Telephone (214) 698-8000

Facsimile (214) 698-1101

**ATTORNEYS FOR DEFENDANT,
BROWN & ROOT, INC. N/K/A
KELLOGG-BROWN & ROOT, INC.**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been forwarded to Mr. C. Andrew Waters, Waters & Kraus, 4807 Lovers Lane, Dallas, Texas, 75209 via hand delivery and on other counsel of record via first class mail, on this the 31st day of January, 2000.

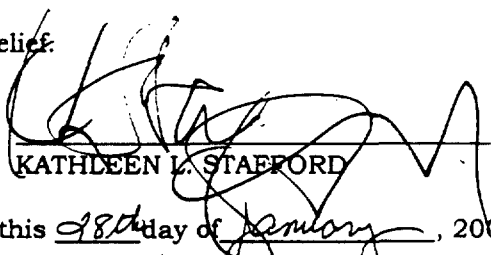

PHILLIP S. BROWN

VERIFICATION

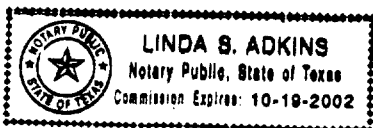
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being first duly sworn, deposes and says:

That she is the Assistant Secretary of Kellogg Brown & Root, Inc. (f/k/a Brown & Root, Inc.), Defendant in this lawsuit; that she is authorized to make this verification on behalf of the Corporation; that the information set forth in the foregoing Answers to Interrogatories was assembled by employees of Kellogg Brown & Root, Inc. (f/k/a Brown & Root, Inc.) from the Corporation's records and files and from personnel in the appropriate offices, departments and divisions of the Corporation; that she is informed and, therefore, believes that the matters therein stated are true and on that ground avers that the matters stated therein are true to the best of her knowledge, information and belief.


KATHLEEN L. STAFFORD

SUBSCRIBED AND SWORN TO BEFORE ME this 18th day of January, 2000.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS