PLAINTIFF'S EXHIBIT
UC-1652

NO. 99-09-3763-B

ROBERT C. GARCIA,	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	CAMERON COUNTY, TEXAS
vs.	§	
	§	
OWENS CORNING, et al.,	§	
	§	
Defendants,	§	107th JUDICIAL DISTRICT

DEFENDANT UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC. COMPANY'S RESPONSE TO PLAINTIFF, ROBERT C. GARCIA'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS PROPOUNDED ON PREMISES DEFENDANT UNION CARBIDE COMPANY

COMES NOW DEFENDANT UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC. and files this its responses to Plaintiff's Requests for Interrogatories, Requests for Production, and Requests for Admissions.

Respectfully submitted,

POWERS & FROST, L.L.P.

By: _____

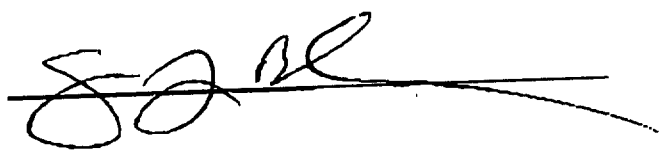
James H. Powers
TBN: 16217400
Sharla J. Frost
TBN: 07491100
2600 Two Houston Center
909 Fannin
Houston, Texas 77010
Telephone: (713) 767-1555
Telecopier: (713) 767-1799

ATTORNEYS FOR DEFENDANT, UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC. COMPANY

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:15PM

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Defendant Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc.'s Responses to Plaintiffs' First Set of Interrogatories, First Request for Admissions and First Request for Production of Documents was forwarded via facsimile and via certified mail, return receipt requested to Plaintiff's counsel on the 4th day of August, 2000, and that all other counsel of record were forwarded a copy of the cover letter only via regular mail on the 4th day of August, 2000.

By: 

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:15PM

GENERAL OBJECTIONS

Union Carbide objects to the entire set of Plaintiffs' Interrogatories, Requests for Production and Requests for Admissions on the following grounds, which are hereby incorporated by reference in Union Carbide's responses to individual Interrogatories, Requests for Production and Requests for Admissions below:

GENERAL OBJECTION NO. 1:

Union Carbide states that trial preparation and factual investigation are ongoing. Union Carbide's answers to these Interrogatories, Requests for Production and Requests for Admissions are based on information known to Union Carbide at this time. Union Carbide reserves the right, however to make reference at the trial or at any hearing in this action to facts and documents not identified in these responses, the existence or relevance of which is later discovered by it or its counsel. By this reservation, Union Carbide does not in any way assume a continuing responsibility to update its responses to these Interrogatories, Requests for Production and Requests for Admissions, and specifically objects to each of these Interrogatories, Requests for Production and Requests for Admissions to the extent that they seek to impose any such continuing obligation upon Union Carbide.

GENERAL OBJECTION NO. 2:

Union Carbide objects to plaintiffs' Interrogatories, Requests for Production and Requests for Admissions in their entirety on the grounds that they are not reasonably framed in terms of the facts and subject matter of the present action, with the result that Union Carbide is called upon to speculate as to what information relevant to the present case, if any, may be deemed to fall within the scope of the Interrogatories, Requests for Production and Requests for Admissions as phrased.

GENERAL OBJECTION NO. 3:

Union Carbide also objects to all Interrogatories, Requests for Production and Requests for Admissions insofar as they would require the disclosure of information protected by the attorney-client privilege or work product doctrines.

GENERAL OBJECTION NO. 4:

Union Carbide objects to providing information about any asbestos-containing products which it has manufactured, sold or distributed, on the grounds that the asbestos fiber in those products was encapsulated by or embedded in other material and on the grounds that the plaintiff has made no allegation of exposure to those products. According to Union Carbide's best presently available information, these products consist of the following: a tree sprout inhibitor used primarily to inhibit growth on telephone poles; a phenolic molding compound used in electronic parts and products such as switches and radios; a thermoplastic molding material used primarily in camera cases; Prestone radiator products; acetylene cylinder liners; a scarfer machine; a heat exchanger; and, possibly, certain polyethylene and polystyrene or other products sold in very limited quantities or on an experimental basis. Union Carbide no longer manufactures any of the above products. Union Carbide acquired its Coalinga mine site in 1958. From 1960-1963, as Union Carbide developed its mining and milling operation, Union Carbide provided fiber samples to potential customers. From 1963 until June 30, 1985, Union Carbide mined and sold short fiber chrysotile asbestos initially as "Union Carbide Asbestos" and then under the trade name Calidria (some distributors marketed Calidria under other trade names).

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reques... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 3 of 76 asbestosclaims.law/library/16739/3

All responses to these Interrogatories, Requests for Production and Requests for Admissions refer to Calidria asbestos only.

GENERAL OBJECTION NO. 5:

Union Carbide objects to this entire set of Interrogatories, Requests for Production and Requests for Admissions to the extent that they call for information about Union Carbide employees or premises, or policies pertaining to Union Carbide employees or premises other than Union Carbide's Brownsville, TX location. Inasmuch as the plaintiffs do not allege that they or their decedents were ever employed by Union Carbide or worked at any job site controlled by Union Carbide other than the Brownsville, TX location, such information is irrelevant and immaterial to matters at issue in this case. Any pertinent information which the employee or premises information about other locations can be said to reflect can be requested directly without requesting the irrelevant and immaterial information or documentation about employees or premises.

PRELIMINARY STATEMENT

These responses are based on facts known to or believed by Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc., at the time of answer. Because much of the information is sought from many years ago and is therefore difficult or impossible to reconstruct or retrieve, we reserve the right to amend these responses as, and if, new or better information becomes available or if any error is discovered. These responses are from Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc.'s records and knowledge and not those of any former subsidiary or affiliates, predecessors. This statement is incorporated by reference in each of the following responses.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reques... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 4 of 76 asbestosclaims.law/library/16739/4

DEFENDANT'S RESPONSE TO PLAINTIFF'S INTERROGATORIES,
AND REQUESTS FOR PRODUCTION,
AND REQUESTS FOR ADMISSION

INTERROGATORY NO. 1:

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

RESPONSE: Objection. It is impossible for Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc., to answer this interrogatory. Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc., has been involved in asbestos litigation for many years. During the course of said litigation, its legal representatives have reviewed voluminous records of itself and others, have conferred with many current and former employees and have conferred with legal representatives of others. It has become impossible to distinguish sources of information in an accurate and meaningful way.

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: See Union General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. At times during the operation of Union Carbide facilities, UCC acquired products which contained asbestos in accordance with state-of-the-art safety and operation practices for industrial facilities. Union Carbide denies that it necessarily acquired all of the types of products set forth in this Request.

REQUEST FOR PRODUCTION NO. 1:

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

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

RESPONSE: Not applicable. See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE: See Union General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. At times during the operation of Union Carbide facilities, UCC acquired products which contained asbestos in accordance with state-of-the-art safety and operation practices for industrial facilities. Union Carbide denies that it necessarily acquired all of the types of products set forth in this Request.

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 Defendants Premises

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reques... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 6 of 76 asbestosclaims.law/library/16739/6

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE: See Union General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. At times during the operation of Union Carbide facilities, UCC acquired products which contained asbestos in accordance with state-of-the-art safety and operation practices for industrial facilities. Union Carbide denies that it necessarily acquired all of the types of products set forth in this Request.

INTERROGATORY NO. 3:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

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

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reques... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 8 of 76 asbestosclaims.law/library/16739/8

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR PRODUCTION NO. 6:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reques... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 9 of 76 asbestosclaims.law/library/16739/9

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR PRODUCTION NO. 7:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

INTERROGATORY NO. 4:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 10 of 76 asbestosclaims.law/library/16739/10

Identify the contractors who worked on your premises during the years at issue, and fore 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 per-formed by such contractors.

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

INTERROGATORY NO. 5:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 11 of 76 asbestosclaims.law/library/16739/11

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

INTERROGATORY NO. 6:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case. Specifically, this Defendant objects to the overly broad and unduly burdensome language, "identify each and every fact which supports this contention."

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:14PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 12 of 76 asbestosclaims.law/library/16739/12

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: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR ADMISSION NO. 7:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

RECEIVED TIMEAUG. 4. 6:31PM PRINT TIMEAUG. 4. 7:13PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 13 of 76 asbestosclaims.law/library/16739/13

REQUEST FOR ADMISSION NO. 8:

Admit that in 1960 Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Denied. Union Carbide denies that it possessed awareness that dust of any type at sufficiently high levels could cause health hazards. Indeed, Union Carbide employed state-of-the-art practices and was recognized as an industry leader in efforts, including but limited to, safety practices in efforts to minimize or avoid dust inhalation by its or contract employees, including, but not limited to, safety practices, ventilation measures and information provision. Union Carbide's information about specific asbestos-related hazards, however, developed gradually. Union Carbide's involvement with asbestos was primarily as that of an industrial consumer. Union Carbide manufactured some products which had an asbestos content, and from 1963-1985, mined and sold a unique short-fiber chrysotile used for specialized, non-insulation purposes. Union Carbide never manufactured or sold asbestos-containing insulation. Accordingly, Union Carbide lacked any special knowledge or information of the insulation industry.

Union Carbide's knowledge concerning potential health hazards possibly associated with excessive asbestos fiber inhalation developed gradually. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. Upon the plaintiff s request, copies of such reports and memoranda, which Union Carbide has located, will be made available at a suitable time and place for review and duplication by the plaintiff.

Union Carbide recognizes that the excessive inhalation of asbestos fiber may be associated with the development of serious and potentially fatal disease. Union Carbide also understands that the onset and development of such disease in a person may be related to an affected by, among other factors: the particular type of fiber that is inhaled; cigarette smoking; and environmental conditions, in addition to the person's medical history and condition.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 15 of 76 asbestosclaims.law/library/16739/15

same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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: See General Objection #5. Subject to its objection, Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc. responds as follows: Denied. See Union

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 16 of 76 asbestosclaims.law/library/16739/16

Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc. 's response to Request Admissions No. 8.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 8:

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

a. when, if ever, Defendant's employees were first warned about the hazards of asbestos exposure; and

b. what instructions, if any, were given to Defendant's employees on the identification of materials which might or did contain asbestos.

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 15:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

Produce all such safety policies.

RESPONSE See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: See General Objection #5. Subject to its objection, Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc. responds as follows: Denied. See Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc. 's response to Request Admissions No. 8.

INTERROGATORY NO. 9:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case. This Defendant specifically objects to the overly broad and unduly burdensome language, "identify each and every fact which supports this contention."

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 18 of 76 asbestosclaims.law/library/16739/18

INTERROGATORY NO. 10:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

INTERROGATORY NO. 11:

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

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 19 of 76 asbestosclaims.law/library/16739/19

INTERROGATORY NO. 12:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

INTERROGATORY NO. 13

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case. This Defendant specifically objects to the overly broad and unduly burdensome language, "identify each and every fact which supports this contention."

INTERROGATORY NO. 14:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR ADMISSION NO. 13:

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 20 of 76 asbestosclaims.law/library/16739/20

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance,

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:13PM

"employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 22 of 76 asbestosclaims.law/library/16739/22

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 23 of 76 asbestosclaims.law/library/16739/23

communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i)

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 24 of 76 asbestosclaims.law/library/16739/24

the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 15:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, duplicative, harassing and annoying given the parameters and subject matter of this case.

INTERROGATORY NO. 16:

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

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Requests for Admissions Nos. 8 and 13.

REQUEST FOR PRODUCTION NO. 22:

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

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 26 of 76 asbestosclaims.law/library/16739/26

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Requests for Admissions Nos. 8 and 13.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 27 of 76 asbestosclaims.law/library/16739/27

information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 2 1:

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

RESPONSE: See General Objection #5. Union Carbide further objects to this Request on the grounds that it is overly broad and not phrased to allow a meaningful admission or denial. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny insofar as the request has not defined whether, for instance, "employees working with or around asbestos" include all employees entering premises which

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 28 of 76 asbestosclaims.law/library/16739/28

contained state-of-the-art asbestos insulation. See Union Carbide's response to Request for Admissions No. 8.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 29 of 76 asbestosclaims.law/library/16739/29

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 31 of 76 asbestosclaims.law/library/16739/31

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 29:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 30:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:12PM

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary

RECEIVED TIMEAUG. 4. 8:01PM PRINT TIMEAUG. 4. 7:12PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 33 of 76 asbestosclaims.law/library/16739/33

information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 29

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 30:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 34 of 76 asbestosclaims.law/library/16739/34

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 35 of 76 asbestosclaims.law/library/16739/35

communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 37:

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

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i)

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 37

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 40 of 76 asbestosclaims.law/library/16739/40

information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 40:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 41 of 76 asbestosclaims.law/library/16739/41

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

RESPONSE: Union Carbide lacks direct information as to whether the Plaintiff worked on its premises and thus lacks sufficient information to admit or deny. Union Carbide's investigation remain on-going, however, and Union Carbide reserves its right to supplement its response as information becomes available.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 17:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 42 of 76 asbestosclaims.law/library/16739/42

REQUEST FOR ADMISSION NO. 41:

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

RESPONSE: Union Carbide lacks direct information as to whether the Plaintiff worked on its premises and thus lacks sufficient information to admit or deny. Union Carbide's investigation remain on-going, however, and Union Carbide reserves its right to supplement its response as information becomes available.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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: Union Carbide lacks direct information as to whether the Plaintiff worked on its premises and thus lacks sufficient information to admit or deny. Union Carbide's investigation remain on-going, however, and Union Carbide reserves its right to supplement its response as information becomes available.

EQUEST FOR PRODUCTION NO. 45:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:11PM

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. See Union Carbide's response to Request No. 1.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. See Union Carbide's response to Request No. 1.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. See Union Carbide's response to Request No. 1.

REQUEST FOR PRODUCTION NO. 48:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque… Published by AsbestosClaims.Law
ACL Doc 16739 · Page 45 of 76 asbestosclaims.law/library/16739/45

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny this Requests. Union Carbide's Brownsville, TX plant was closed in 1983. Union Carbide's investigation remain on-going and Union Carbide reserves its right to supplement this response as information becomes available.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i)

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 46 of 76 asbestosclaims.law/library/16739/46

the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 47

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny this Requests. Union Carbide's Brownsville, TX plant was closed in 1983. Union Carbide's investigation remain on-going and Union Carbide reserves its right to supplement this response as information becomes available. Union Carbide admits that pipe covering containing asbestos may have performed a fire proofing role.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 48:

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

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks sufficient information to admit or deny this Requests. Union Carbide's Brownsville, TX plant was closed in 1983. Union Carbide's investigation remain on-going and Union Carbide reserves its right to supplement this response as information becomes available.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted. The pipe covering constitute thermal insulation. See Union Carbide's response to Request No. 40.

REQUEST FOR PRODUCTION NO. 52:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 48 of 76 asbestosclaims.law/library/16739/48

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Admitted.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 49 of 76 asbestosclaims.law/library/16739/49

communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 18:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 54:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 50 of 76 asbestosclaims.law/library/16739/50

same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks information as to whether or to what extent it directly supervised the health and safety procedures implemented by contractors working on Defendant's Premises. The Brownsville, TX plant closed in 1983. Union Carbide's investigation remain on-going. Union Carbide did, however, inform and require contractors to implement health and safety practices required by all employees on its facilities.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Union Carbide lacks information as to whether or to what extent it directly supervised the health and safety procedures implemented by contractors working on Defendant's Premises. The Brownsville, TX plant closed in 1983. Union Carbide's investigation remain on-going. Union Carbide did, however, inform and require contractors to implement health and safety practices required by all employees on its facilities.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

REQUEST FOR PRODUCTION NO. 55:

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 51 of 76 asbestosclaims.law/library/16739/51

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 19:

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR ADMISSION NO. 54:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

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: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

REQUEST FOR PRODUCTION NO. 57:

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

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:10PM

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

RECEIVED TIMEAUG. 4. 8:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 54 of 76 asbestosclaims.law/library/16739/54

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 55 of 76 asbestosclaims.law/library/16739/55

same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 56 of 76 asbestosclaims.law/library/16739/56

same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

INTERROGATORY NO. 20:

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 58 of 76 asbestosclaims.law/library/16739/58

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

ANSWER: See General Objections and Preliminary Statement, which are incorporated herein as if fully rewritten. Objection. This interrogatory is overly broad, unduly burdensome, harassing and annoying given the parameters and subject matter of this case.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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: This defendant is unable to either admit or deny this request for admission because the investigation for defendant's responses to discovery is still ongoing. Therefore, denied.

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. See Union Carbide's response to Request No. 8.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. Union Carbide's Brownsville, TX plant was closed in 1983. See Union Carbide's response to Request No. 8.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: See General Objection #5. Subject to its objections, Union Carbide responds as follows: Denied. Union Carbide's Brownsville, TX plant was closed in 1983. See Union Carbide's response to Request No. 8.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 60 of 76 asbestosclaims.law/library/16739/60

information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i)

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 61 of 76 asbestosclaims.law/library/16739/61

the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 70:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 62 of 76 asbestosclaims.law/library/16739/62

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:09PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 63 of 76 asbestosclaims.law/library/16739/63

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 74:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 64 of 76 asbestosclaims.law/library/16739/64

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 65 of 76 asbestosclaims.law/library/16739/65

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 66 of 76 asbestosclaims.law/library/16739/66

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 67 of 76 asbestosclaims.law/library/16739/67

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 68 of 76 asbestosclaims.law/library/16739/68

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 84

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 69 of 76 asbestosclaims.law/library/16739/69

information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

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 maybe used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 70 of 76 asbestosclaims.law/library/16739/70

information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 71 of 76 asbestosclaims.law/library/16739/71

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 72 of 76 asbestosclaims.law/library/16739/72

the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:08PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 73 of 76 asbestosclaims.law/library/16739/73

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 95.

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving

RECEIVED TIMEAUG. 4. 6:01PM PRINT TIMEAUG. 4. 7:07PM

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 74 of 76 asbestosclaims.law/library/16739/74

same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 96.

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 75 of 76 asbestosclaims.law/library/16739/75

expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during anytime period that Plaintiff worked (or believes he worked) at the facility(ies), please produce a 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, I OK reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: See General Objections, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not feasibly calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Subject to the foregoing objections and without waiving same, Defendant will supplement if Defendant has any documents in its possession pertaining to plaintiff's request.

Union Carbide trial exhibit UC-1652: Union Carbide's Responses to Robert C. Garcia's First Interrogatories, Reque... Published by AsbestosClaims.Law
ACL Doc 16739 · Page 76 of 76 asbestosclaims.law/library/16739/76