PLAINTIFF'S
EXHIBIT
UC-1665

NO. 90G2055

WELDON R. MOAKE, and JANICE I. MOAKE; KEVIN R. MOAKE; DANA R. ASHLEY; and MACK K. MOAKE;	§	IN THE DISTRICT COURT
Plaintiffs,	§	
vs.	§	BRAZORIA COUNTY, TEXAS
OWENS-CORNING FIBERGLAS CORPORATION, (a/k/a OWENS CORNING CORPORATION), et al.,	§	
Defendants.	§	239TH JUDICIAL DISTRICT

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

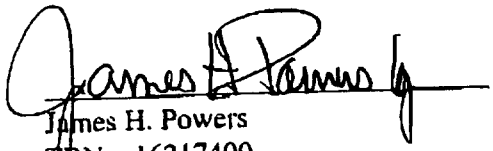
COMES NOW DEFENDANT, UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC. and files this its responses to Plaintiff's Requests for Interrogatories, Requests for Production, and Requests for Admissions.

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Respectfully submitted,

POWERS & FROST, L.L.P.

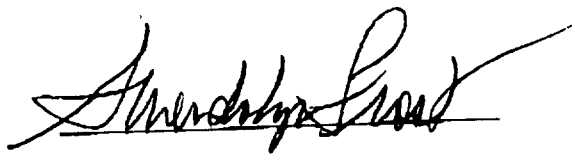


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ATTORNEYS FOR DEFENDANT:
Union Carbide CORPORATION D/B/A Union Carbide CHEMICALS AND PLASTICS, INC. COMPANY

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 3rd day of October, 2000, and that all other counsel of record were forwarded a copy of the cover letter only via regular mail on the 3rd day of October, 2000.



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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 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 Seadrift, 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 Seadrift, TX location, such information is irrelevant and immaterial to

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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.

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PLAINTIFFS INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION

INTERROGATORY NO. 1:

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

RESPONSE: Union Carbide refers Plaintiff to prior discovery (Interrogatory No. 1) pertaining to the Seadrift plant.

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: Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because the request is vague as to the years at issue. Subject to the objection Union Carbide admits that asbestos or asbestos-containing were utilized during the years 1964 through the date Union Carbide sold the Seadrift facility.

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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

ANSWER: Union Carbide objects to this Interrogatory to the extent it is duplicative of Plaintiff's prior interrogatories propounded to Union Carbide (Interrogatory No. 9). Subject thereto, Union Carbide states that it began the discontinuation of the use of asbestos-containing products over twenty years ago and will be unable to provide an all-inclusive list of each specific products, each specific location where asbestos may have been installed, by whom the product was installed, and the date the product was discontinued. Union Carbide states further that several contractors worked on-site for Carbide at the Seadrift plant, including H.B. Zachry, Brown & Root, and others, some of whom may have employed insulators. Union Carbide refers Plaintiffs to previously produced documents.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE: Defendant has previously responded to this request for the Seadrift plant (Request for Production No. 19) and produced any responsive documents in its possession.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has make reasonable inquiry and has no information that Plaintiff was an employee of Defendant or what the conditions of his employment, if any, may have been. Subject to its

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objections, Union Carbide admits that generally it was foreseeable that asbestos-containing products might be removed, replaced or repaired.

INTERROGATORY NO. 3:

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

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

ANSWER: Union Carbide objects to this Interrogatory because it is duplicative of previously propounded discovery (Interrogatory No. 10 and Requests for Production Nos. 6 and 8). Subject to the foregoing, Union Carbide states it has conducted abatement proceedings and has previously responded to this request by producing all responsive documents in its possession.

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 response to Interrogatory No. 3 herein.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: Union Carbide has made reasonable inquiry and has insufficient information to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: See above response.

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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 above responses.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE: Union Carbide objects to this request to the extent it seeks information which is not relevant and will not lead to relevant evidence. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W. 2d 429, 431 (Tex. 1996). Union Carbide states further, subject to its objections, that is has previously produced all responsive documents in its possession relating to asbestos usage, installation and/or removal by contractors.

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: Union Carbide objects to this request to the extent it seeks information which is not relevant and will not lead to relevant evidence. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W. 2d 429, 431 (Tex. 1996).

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises during the years at issue, and for each, state:

a. The type of work performed by the contractor
b. The dates such work was performed;

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c. Identify your employee responsible for monitoring, verifying, or instructing concerning these services to be performed by such contractors.

ANSWER: Union Carbide objects to this request to the extent it seeks information which is not relevant and will not lead to relevant evidence. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W. 2d 429, 431 (Tex. 1996). Union Carbide states further, subject to its objections, that is has previously produced all responsive documents in its possession relating to asbestos usage, installation and/or removal by contractors.

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: Union Carbide objects to this request to the extent it seeks information which is not relevant and will not lead to relevant evidence. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W. 2d 429, 431 (Tex. 1996). Union Carbide states further, subject to its objections, that is has previously produced all responsive documents in its possession relating to asbestos usage, installation and/or removal by contractors

INTERROGATORY NO. 5:

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

ANSWER: Union Carbide objects to this Interrogatory because it lacks specificity or is vague and unclear and Union Carbide has no means to identify the information which Plaintiff requests.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Union Carbide has made reasonable inquiry but has insufficient information to admit or deny this request.

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REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: See above response.

INTERROGATORY NO. 6:

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

RESPONSE: Union Carbide objects to this request because it is over broad and improperly seeks all factual assertions and a marshaling of proof supporting Carbide's contentions. TRCP 197. Union Carbide also objects to the extent this request is premature because Union Carbide will not have any information until discovery has been accomplished and/or completed. Union Carbide states further subject to its objections that is cannot make any contentions about where Plaintiff worked and what he may have been exposed to because it is without sufficient information. Union Carbide does not admit that Plaintiff was exposed to asbestos while at the Seadrift plant, if in fact he worked at that location. Union Carbide further refers Plaintiff to its general statements which indicate that these responses pertain to Union Carbides Seadrift facility only.

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: Union Carbide has made reasonable inquiry and has no information to either admit or deny this request.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: See above response.

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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: Union Carbide has made reasonable inquiry and has no information to either admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Admit that during the time period Plaintiff worked at premises, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Union Carbide objects to this request because it is vague and unclear and lacks specificity. Union Carbide's knowledge concerning health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually and Union Carbide can therefore neither admit not deny this request with specificity because it does not have sufficient information. Union Carbide has made reasonable inquiry and the information obtainable is insufficient to enable it to admit or deny this request with specificity. Subject to its objections, Union Carbide admits it was aware that certain overexposures in certain circumstances could pose health risks.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: Union Carbide objects to the extent the request seeks all documents supporting Union Carbide contentions or allegations. Subject thereto, Plaintiff is referred to previously produced documents including Union Carbide's repository for asbestos-related documents.

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: After making a reasonable effort to ascertain this information, Union Carbide can neither admit nor deny this request as drafted because it has insufficient information to establish if and/or when Plaintiff was working at the Union Carbide Seadrift plant. Subject to the

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foregoing, Union Carbide admits that it was aware of the presence of asbestos in its facility during the usage of the material and during abatement procedures.

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: Union Carbide refers Plaintiff to previously produced documents where responsive material may be located.

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: Union Carbide objects to this request as it is not reasonably limited in time and not reasonably limited to the Seadrift facility where Plaintiff is claiming exposure. With regard to the time period that Union Carbide was still using asbestos-containing products, Union Carbide has insufficient information to answer this interrogatory specifically with regard to Plaintiffs. During that period, Union Carbide may have provided materials related to asbestos to independent contractors and employees. These documents, to the extent they are in Union Carbide's possession have been previously produced to Plaintiff. With regard to the time period that Union Carbide was conducting abatement procedures, the best information currently available to Union Carbide indicates that it did provide warnings to workers on its premises and to the extent that any documents reflecting or relating to those warnings are in Union Carbide's possession, they have been previously produced to Plaintiff.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE: See response to Interrogatory No. 7 herein. Union Carbide refers Plaintiff to its previously produced documents and to its repository for asbestos-related documents which has been made available to Plaintiff.

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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: After making a reasonable effort to ascertain such information, Union Carbide can neither admit nor deny this request because it does not have sufficient information. Union Carbide does not know if and/or when Plaintiff worked at its Seadrift facility. Subject to its objection, please refer to Union Carbide's responses to Interrogatory No. 7 and Request for Production No. 13 herein.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE: Union Carbide refers Plaintiff to its response to Interrogatory No. 7 and to Request for Production No. 13 herein.

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: Union Carbide objects to this interrogatory to the extent it is duplicative of previously propounded discovery pertaining to this plant (Interrogatory No. 8). Union Carbide further refers Plaintiff to its responses to Interrogatory No. 7 and Request for Production No. 13 herein. Union Carbide further refers Plaintiff to documents produced previously in this case including it repository for asbestos-related materials.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE: See response to Interrogatory No. 8 herein.

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REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Denied.

INTERROGATORY NO. 9:

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

RESPONSE: Union Carbide objects to this interrogatory to the extent is improperly seeks all factual assertions and a marshaling of proof in support of its contentions. TRCP Rule 197. Subject thereto, Union Carbide has no information with which to answer this interrogatory with specificity regarding this Plaintiff. Refer to Union Carbide's response to Interrogatory No. 7 herein.

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: Union Carbide objects to the extent it is over broad, not reasonably limited in time, and not reasonably limited to the Union Carbide Seadrift facility where Plaintiff is claiming exposure. Subject to its objections, Union Carbide states that during the time the Seadrift plant has been in operation, there have been several different safety policies in place which were related to asbestos usage. In previous discovery propounded by Plaintiff pertaining to this plant, Union Carbide produced documents containing all safety policies in its possession and any related documents.

INTERROGATORY NO. 11:

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

a. when the equipment was first provided

b. to whom the equipment was provided

c. under what circumstances the equipment was provided

d. Further, identify the person with the most knowledge of your "safety equipment" policies.

RESPONSE: Union Carbide objects to this interrogatory to the extent it is over broad in that it seeks information about safety equipment relating to materials other than asbestos and therefore is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing, Union Carbide states it has always provided safety equipment to its employees for protection against numerous hazards in the workplace. In response to previously propounded discovery, Union Carbide has produced all safety policies in its possession relating to the Seadrift plant as well as its repository for asbestos-related documents. Please refer to Union Carbide's response to Interrogatory No. 8 herein.

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: Union Carbide objects to this request to the extent it seeks information relating to the Seadrift plant before the plant was built or in operation. Subject thereto, Union Carbide has made reasonable inquiry and has insufficient information to either admit or deny this request with specificity with regard to the entire time period inquired about. Subject thereto, Union Carbide admits that in general, according to its best information, its contractors were responsible for providing safety equipment to their own personnel, therefore this request is admitted as qualified above.

INTERROGATORY NO. 12:

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

RESPONSE: Union Carbide objects to this interrogatory as duplicative of previous discovery propounded to and answered by Union Carbide. Subject thereto, Union Carbide refers Plaintiff to its previous responses and documents produced.

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INTERROGATORY NO. 13:

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

RESPONSE: Union Carbide objects to this interrogatory to the extent it improperly seeks all factual assertions and a marshaling of evidence in support of its contentions. TRCP Rule 197. Subject thereto, the best information currently available to Union Carbide indicates that such measurements may have been performed by Defendant, but Union Carbide does not know if such studies were performed by insurance carriers and/or their agents. Union Carbide has previously produced any and all dust counts or air studies in its possession relating to asbestos at the Seadrift plant preformed at any time and by any personnel during the operation of the facility.

INTERROGATORY NO. 14:

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

RESPONSE: Union Carbide refers Plaintiff to previously propounded discovery and Union Carbide's responses and responsive documents produced thereto.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Union Carbide objects to this request as over broad to the extent it seeks information about other Union Carbide facilities other than Seadrift and is not limited to a specific time frame. Union Carbide states further subject to its objections that it can neither admit not deny the request with specificity as drafted because it has made reasonable inquiry and has no information regarding if, when and where Plaintiff worked on its premises. Subject to the foregoing, Union Carbide admits that the best information currently available indicates that during part of the time it used asbestos-containing materials, Union Carbide did not erect containment barriers. Union Carbide denies the request as to other portions of time asbestos was either being removed or installed and as to certain usage, applications or locations.

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REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Union Carbide objects to this request in that it does not seek specific documents but rather all documents in support of a contention. Subject thereto, Union Carbide refers Plaintiffs to previously produced documents.

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: Union Carbide refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: Union Carbide objects to this request in that it does not seek specific documents but rather all documents in support of a contention. Subject thereto, Union Carbide refers Plaintiffs to previously produced documents.

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: Union Carbide refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 18:

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

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RESPONSE: Union Carbide refers Plaintiff to its response to Request for Production No. 17 herein.

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: Union Carbide refers Plaintiff to its response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Union Carbide refers Plaintiff to response and objection to Request for Production No. 17 herein.

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: Union Carbide refers Plaintiff to response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: Union Carbide refers Plaintiff to response and objection to Request for Production No. 17 herein.

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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: Union Carbide refers Plaintiff to response and objection to Request for Admission No. 13 herein.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: Union Carbide refers Plaintiff to response and objection to Request for Production No.17 herein.

INTERROGATORY NO. 15:

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

RESPONSE: Please refer to responses to Interrogatory No. 7 and Request for Production No. 13 herein.

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.

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RESPONSE: Union Carbide refers Plaintiff to previously propounded discovery (Interrogatory No 13) and states that all documents in Union Carbide's possession relating to this policy and any amendments thereto have been previously produced to Plaintiff.

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: Union Carbide refers Plaintiff to its response and objection to Request for Admission no 13, Interrogatory No. 7 and Request for Production No. 13 herein.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: See response and objection to Requests for Production No. 15 and No. 12 herein.

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: Union Carbide refers Plaintiff to its response and objection to Requests for Admission No. 13 and No.19.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Union Carbide refers Plaintiff to its response and objection to Requests for Production Nos. 17 and 13.

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REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE: Union Carbide objects to this request as over broad in that it seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide has previously produced documents relating to asbestos usage, installation and/or removal.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE: Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. Espara v. Diaz, 802 S.W.2d 772, 775 (Tex. App. - Houston [14th Dist.] 1990, no writ). Subject thereto, denied.

REQUEST FOR ADMISSION NO. 22:

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

RESPONSE: Union Carbide objects to the request to the extent it is vague in that the terms "power" and "control" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents but is a request for all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to documents previously produced in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

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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: Union Carbide objects to this request to the extent it is vague in that the terms "managed", "use" and "condition" are unclear and undefined. Subject thereto, admitted as to Union Carbide's own employees and operations, denied as to operations of independent contractors.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents but all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

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: Union Carbide objects to this request as vague in that the terms "power", "direct", "use" and "condition" are unclear and undefined. Subject thereto, admitted as to Union Carbide's own employees and operations, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in installation, repair and/or removal of asbestos at the Seadrift facility.

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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: Union Carbide objets to this request as vague in that the terms "power", "superintend", "use" and "conditions" are unclear and undefined. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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: Union Carbide objects to this request as vague in that the terms "power", "restrict", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's employees and operations, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 27:

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

RESPONSE: Union Carbide objects to this request as vague in that the terms "power", "regulate", "use" and "condition" are unclear and undefined. Subject thereto, admitted as to Union Carbide's employees and operations, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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: Union Carbide objects to this request as vague in that the terms "power", "govern", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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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: Union Carbide objects to this request as vague in that the terms "power", "oversee", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE: Union Carbide objects to this request to the extent it is vague in that the terms "power", "administer", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 31:

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

RESPONSE: Union Carbide objects to the request to the extent it is vague in that the term "controlled" is undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: Union Carbide objects to the request to the extent that it is vague and that the term "managed" is undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 33:

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

RESPONSE: Union Carbide objects to request to the extent that it is vague and that the terms "directed", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE: Union Carbide objects to the request to the extent that it is vague and that the terms "superintended", "use" and "conditions" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: Union Carbide objects to the request as vague in that the terms "restricted", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE: Union Carbide objects to this request as vague in that the terms "regulated", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 37:

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

RESPONSE: Union Carbide objects to this request as vague in that the terms "governed", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE: Union Carbide objects to this request as vague in that the terms "oversaw", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 39:

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

RESPONSE: Union Carbide objects to the request as vague in that the terms "administered", "use" and "condition" are undefined and unclear. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE: Union Carbide has made reasonable inquiry and does not have sufficient information about Plaintiff's work and can therefore neither admit nor deny this request. Further, Union Carbide objects to this request to the extent it is vague in that the phrase "retained some control over the manner in which Plaintiff's work was performed" is unclear and undefined. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

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INTERROGATORY NO. 17:

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

RESPONSE: Union Carbide objects to this request as drafted as ambiguous, confusing and unclear in its usage of negatives, and is vague in that it is unclear which Union Carbide Corporation facility is meant. Union Carbide objects further to the extent this interrogatory improperly seeks all factual contentions and a marshaling of evidence in support of its contentions. TRCP 197. Subject to its objections, according to Union Carbide's understanding of this interrogatory and assuming that the facility inquired about is the Seadrift facility, Union Carbide states that it retained some latitude to direct its independent contractors in general terms as per Koch Refining Co. v. Chapa 11 S.W.3d 153 (Tex. 1999).

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 objects to the extent the request is vague in that the phrase "retained some control over the manner in which Plaintiff's employer performed the work" is undefined and unclear. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 42:

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

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RESPONSE: Union Carbide objects to this request as vague and undefined and unclear. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE: Union Carbide objects to the request as vague, undefined and unclear. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents, but rather all documents supporting a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and removal of asbestos at the Seadrift facility.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Admitted.

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REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Admitted.

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REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: See above response.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Admitted as to Union Carbide's operations and employees denied as to operations and employees of independent contractors.

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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: Union Carbide objects to this request because it is over broad, does not seek specific documents; rather it seeks all documents relating to a contention. Subject thereto, Union Carbide refers Plaintiff to previously produced documents in this case which include any and all documents relating to Union Carbide and independent contractors engaged in the installation, repair and/or removal of asbestos at the Seadrift facility.

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: Union Carbide refers Plaintiff to previously answered discovery regarding the Seadrift plant (Interrogatory No. 22) and previously produced documents including the repository for asbestos-related materials.

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: Union Carbide refers Plaintiff to its response to Interrogatory No. 18 herein.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE: Union Carbide admits that it advised its contractors with regard to health and safety procedures, otherwise denied.

REQUEST FOR ADMISSION NO. 52:

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

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RESPONSE: SEE RESPONSES TO REQUEST FOR ADMISSION NO. 51.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 55:

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: [Union Carbide states that per agreement with the Plaintiffs, no Rule 194 formal disclosure requests were exchanged between Union Carbide and Plaintiffs with the exception of witness lists.] Union Carbide objects to this request because it is over broad and seeks all documents relating t its contentions and not specific documents. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998).

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.

RESPONSE: Union Carbide objects to this interrogatory as argumentative and assuming facts not in evidence in that it assumes that Plaintiff was exposed to asbestos as its Premises and that he has suffered an asbestos-related injury. Subject to the foregoing, Union Carbide denies that such exposure, if any, was a substantial contributing factor in causing Plaintiff's asbestos-related injury, if any. Union Carbide further objects to this interrogatory to the extent it requests Union Carbide to state all its factual assertions or to marshal it evidence. Subject thereto, Union Carbide refers Plaintiff to its Answer and any amendments thereto, and to its previous document production.

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.

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RESPONSE: Union Carbide objects to this request to the extent it is argumentative in that it assumes that Plaintiff was exposed to asbestos at its Premises and that he has suffered an asbestos-related injury. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE: Union Carbide refers Plaintiff to its response and objection to Interrogatory 19 herein.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents and rather seeks any and all documents supporting its contentions and is thus over broad. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998). Subject to and without waiving its objections, Union Carbide refers Plaintiff to documents produced previously to Plaintiff.

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.

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RESPONSE: Union Carbide objects to this request to the extent it is argumentative and assumes that there was a risk of harm posed to Plaintiff, that Union Carbide failed to reduce or eliminate such risk, and that Plaintiff suffered an asbestos-related injury. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 58:

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

RESPONSE: Union Carbide objects to this request because it does not seek specific documents and rather seeks any and all documents supporting its contentions and is thus over broad. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998). Subject to and without waiving its objections, Union Carbide refers Plaintiff to documents produced previously to Plaintiff.

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: Union Carbide objects to this request for production to the extent it contains an interrogatory and is not a true document request. Union Carbide objects further to this request because it does not seek specific documents or specific categories of documents. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998).

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: Union Carbide objects to this request for production to the extent it contains an interrogatory and is not a true document request. Union Carbide objects further to this request because it does not seek specific documents but all documents supporting a contention. Union Carbide objects further to the extent the request assumes Plaintiff has suffered an asbestos-related injury and that he worked at Union Carbide's Premises. Subject thereto, Union Carbide states that it has no knowledge or information at this time with which to make such a contention and refers Plaintiff to Union Carbide's prior document production.

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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: Union Carbide objects to this request to the extent it contains an interrogatory and is not a true request for documents. Union Carbide objects further because the request does not seek specific documents and rather seek all documents supporting a contention. Union Carbide denies Plaintiff suffers from an asbestos-related disease and will produce any responsive documents in its possession.

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: Union Carbide objects to this request because it improperly asks whether Union Carbide makes a specific factual contention, which is not a proper request for production. Union Carbide further objects to this request to the extent it is over broad and seeks all documents supporting its contentions. Subject thereto, Union Carbide states that it denies Plaintiff was exposed to asbestos dust at its Premises and refers Plaintiff to its previous document production.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Union Carbide objects to this request because it is over broad and does not seek specific items or categories of documents. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998).

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.

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

RESPONSE: Union Carbide objects to this request to the extent it is vague, over broad and is not reasonably limited to a specific time period. Subject thereto, Union Carbide refers Plaintiff to documents produced previously to Plaintiffs.

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: Union Carbide objects to this request because it is over broad in that it seeks information relating to facilities other than Seadrift and information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20:

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

RESPONSE: Union Carbide has previously produced in this case all such responsive documents in its possession. If Union Carbide has access to information relating to who received, maintained, reviewed or disseminated such materials, it is reflected on those documents.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

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RESPONSE: Refer to response to Interrogatory No. 20 herein.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE: Admitted to the extent asbestos may be in place at the Premises, otherwise denied.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Admitted to the extent asbestos in no longer installed on its Premises.

REQUEST FOR ADMISSION NO. 62:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

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REQUEST FOR ADMISSION NO. 63:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 64:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 65:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 66:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

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REQUEST FOR ADMISSION NO. 67:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 68:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 69:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 70:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

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REQUEST FOR ADMISSION NO. 71:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 72:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 73:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 74:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

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REQUEST FOR ADMISSION NO. 75:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 76:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 77:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 78:

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

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Seadrift facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. Subject to these objections, admitted.

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REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: Union Carbide objects to this request because it is duplicative of discovery previously propounded to Union Carbide to which Carbide has responded. Union Carbide refers Plaintiff to previously produced documents where any such responsive items may be located.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: Union Carbide objects to the extent this request is duplicative of previous discovery requests. Subject thereto, Union Carbide refers Plaintiff to documents produced in this case including Union Carbide's repository for asbestos-related materials, which has been made available to Plaintiff.

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: Union Carbide objects to this request because it is over broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Subject to its objections, Union Carbide refers Plaintiff to documents previously produced in this case.

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: Union Carbide objects to this request to the extent it is duplicative of previously propounded discovery. Subject thereto, Plaintiff is referred to Union Carbide's prior document production and to Union Carbide's repository for asbestos-related documents where responsive materials are located.

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REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE: See responses to Interrogatory No. 3 and Request for Production No. 3 herein.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: Union Carbide refers Plaintiff to documents produced previously in this case including its repository for asbestos-related documents.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: Union Carbide refers Plaintiff to documents produced previously in this case including its repository for asbestos-related documents.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at any time 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: Union Carbide will produce any such documents in its possession.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

RESPONSE: Union Carbide has located no such documents, but if such documents are located they will be produced.

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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: Union Carbide refers Plaintiff to its previously filed discovery (Request for Production No. 12).

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: Union Carbide refers Plaintiff to responses to Interrogatory No. 7 and Request for Production No. 12.

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: Union Carbide refers Plaintiff to documents produced previously in this case including its repository for asbestos-related documents.

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: Union Carbide refers Plaintiff to its responses to Interrogatory No. 7 and Request for Production No. 13.

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: Investigation is continuing in this case and Union Carbide is attempting to locate any responsive documents.

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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: Union Carbide objects to this request to the extent it is duplicative of previously propounded discovery. Subject thereto, Union Carbide refers Plaintiff to documents produced in this case, including its repository for asbestos-related materials where responsive documents are located.

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: Union Carbide has located no such documents, but if they are located, they will be produced to Plaintiff.

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: Union Carbide refers Plaintiff to responses to Interrogatories Nos. 12 and 13.

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: Union Carbide objects to the request as over broad to the extent it seeks information about other Union Carbide facilities other than Seadrift and is not limited to a specific time frame.

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REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE: Union Carbide will produce these documents at a mutually agreeable time at the offices of Union Carbide's counsel of record.

REQUEST FOR PRODUCTION NO. 86:

Produce all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE: Union Carbide objects to this request because it is inappropriate. Texas Tech Univ. Health Sciences Car. V. Schooled, 828 S.W.2d 502, 504 (Tex. App. - El Paso 1992, orig. proceeding). Union Carbide further objects to this request for any documents supporting it s allegations and contentions as over broad. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998).

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: Union Carbide refers Plaintiff to previously produced documents including the repository for asbestos-related materials.

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: Union Carbide refers Plaintiff to response to Request for Production No. 14 herein.

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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: Union Carbide objects to this request as duplicative of previous discovery. Union Carbide objects further to the extent the request is over broad and not reasonably limited to the subject matter of the lawsuit and therefore not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Union Carbide refers Plaintiff to its previous production of documents where responsive documents are located.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE: None.

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: Union Carbide states it does not know when the Plaintiff may have worked at its facility, but will try to locate responsive documents for that period when such information becomes available.

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: Union Carbide refers Plaintiff to previously filed discovery (Request for Production No. 31).

REQUEST FOR PRODUCTION NO. 93:

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

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RESPONSE: Union Carbide refers Plaintiff to previously filed discovery (Request for Production No. 32).

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: Union Carbide refers Plaintiff to previously filed discovery (Request for Production No. 33).

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE: See response to Request for Production No. 7 herein.

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: Union Carbide refers Plaintiff to documents previously produced in this case including the repository for asbestos-related materials.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE: Union Carbide objects to this request to the extent such materials are equally available to Plaintiff. Subject thereto and to the extent Union Carbide locates any such documents, they will be produced.

REQUEST FOR PRODUCTION NO. 98:

If you contend that you did not own or control the facility(ies) during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or

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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, 1 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: Union Carbide states it does not know when the Plaintiff may have worked at its facility, but will try to locate responsive documents for that period when such information becomes available.

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