PLAINTIFF'S EXHIBIT

UC-1889

CAUSE NO. 2000-05-1962-C

ROBERT HENRY VILLARREAL, Individually and as Personal Representative of the Heirs and Estate of JOHN HENRY VILLARREAL	§	**IN THE DISTRICT COURT OF**
Plaintiffs,	§	
vs.	§	**CAMERON COUNTY, TEXAS**
GAF CORPORATION HOLDINGS, INC.), ET AL.	§	
Defendants.	§	**197TH JUDICIAL DISTRICT**

DEFENDANT UNION CARBIDE CORPORATION'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, RESPONSES TO REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSIONS

TO: Plaintiff Robert Henry Villarreal Individually and as Personal Representative of the Heirs and Estate of John Henry Villarreal, by and through their attorney of record, Holly J.W. Huart, BARON & BUDD, P.C., Centrum Bldg., 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219-4281.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ… Published by AsbestosClaims.Law

ACL Doc 16954 · Page 1 of 107 asbestosclaims.law/library/16954/1

Respectfully submitted,

POWERS & FROST, L.L.P.

James H. Powers/LAG

James H. Powers
Texas State Bar No. 16217400
Sharla J. Frost
Texas State Bar No. 07491100
Gwendolyn S. Frost
Texas State Bar No. 07488750
2600 Two Houston Center
909 Fannin
Houston, Texas 77010
Telephone: (713) 767-1555
Facsimile: (713) 767-1799

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct of Defendant Union Carbide Corporation d/b/a Union Carbide Chemicals and Plastics, Inc.'s Answers to Plaintiffs' First Set of Interrogatories, Responses to Request for Production and Request for Admission has been forwarded to Plaintiffs' counsel of record either by first class mail, return receipt requested, delivery or facsimile on this the 12th day of March, 2001.

L. Amy Green

F:\CCR\Cameron\Villarreal, John\UNC-Answers to Rogs, RFP and RFA.wpd

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 2 of 107 asbestosclaims.law/library/16954/2

PRELIMINARY STATEMENT

These answers are made solely for the purposes of this action. Each answer is subject to all appropriate objections which require the exclusion of any statement contained herein as if the Interrogatory or Request were answered by a witness present and testifying in court. All such objections and grounds are reserved and may be interposed at the time of trial.

This Defendant has not yet completed its investigation of the facts relating to this action; has not yet interviewed all witnesses in this action; has not yet completed its discovery in this action; and has not yet completed its preparation for trial. Consequently, the following answers shall be provided without prejudice to this Defendant's right to produce, at any time, subsequently discovered evidence relating to proof of presently known material facts and to produce all evidence, whenever discovered, relating to the proof of subsequently discovered material facts. Except for explicit facts admitted herein, no admissions of any nature whatsoever are implied or should be inferred. The fact that any Interrogatory or Request herein has been responded to should not be taken as an admission or acceptance of the existence of any facts set forth or assumed by such Interrogatory or Request.

GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

Union Carbide objects to Plaintiffs' entire set of Interrogatories, Requests for Production and Request for Admission to the extent that the interrogatories and requests call for information about Union

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 3 of 107 asbestosclaims.law/library/16954/3

Carbide facilities or premises where the plaintiff never worked. Over the course of its business, Union Carbide owned or operated a numerous amount of locations and premises. Ascertaining plant and employee practices for each Union Carbide facility or premises, even during a specified time frame, would be unreasonably and unduly burdensome, if possible at all. Morever, the nature of the processes and work conducted at Carbide's various plants and facilities differed considerably, and information relating to another plant or facility may not be relevant to the one(s) where plaintiffs worked. Any general relevant information possessed by Union Carbide concerning practices or conditions at other facilities and/or premises, could be sought directly by requesting corporate-wide policies, practices or by requesting information or beliefs held by Union Carbide officials without seeking the irrelevant or immaterial information about practices or conditions at places where plaintiff did not work.

GENERAL OBJECTION NO. 2:

Union Carbide states that these responses are accurate as of the date made. Union Carbide's investigation of information that may be responsive to plaintiffs' Interrogatories and Requests is continuing and Union Carbide reserves the right to supplement these answers when its investigation is complete.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 1:

Union Carbide objects to the instructions and definitions supplied by Plaintiffs with regard to these Interrogatories and Requests on the grounds that the definitions are overly broad, vague and often

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 4 of 107 asbestosclaims.law/library/16954/4

inconsistent with the normal common usage and meaning of such words. As a result, these definitions constitute an unreasonable expansion of the Interrogatories and Requests themselves. Union Carbide has therefore responded to the interrogatories and requests in the manner consistent with the common understanding of the language used in the response and to the extent necessary to fairly and fully respond to the Interrogatories and Requests.

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 2:

Union Carbide objects to Plaintiffs' definitions and instructions to the extent those definitions and instructions request Union Carbide to make any inquiry beyond that which is required by the Texas Rules of Civil Procedure or to the extent they seek to include documents not within Union Carbide's custody or control.

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 3:

Union Carbide objects to the term "facility" as defined because it renders the Interrogatories and Requests over broad and not reasonably limited to matters which are relevant to the subject matter of this lawsuit or to the discovery of matters which are reasonably calculated to lead to the discovery of admissible evidence. Because Union Carbide has, over the years, owned or operated a variety of locations and premises, and because it appears that Plaintiff's claims against Union Carbide have arisen from his presence at the Union Carbide Brownsville facility, Defendant Union Carbide's answers contained herein pertain to solely to Union Carbide's Brownsville plant.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 5 of 107 asbestosclaims.law/library/16954/5

DEFENDANT'S ANSWERS TO PLAINTIFF'S INTERROGATORIES, RESPONSES TO REQUESTS FOR PRODUCTION AND ADMISSIONS

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 Corporation objects to this Interrogatory on grounds that it is overly broad and unduly burdensome and the time consuming and costly nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide Corporation further objects to this Interrogatory to the extent that it seeks a year-by-year employment listing of each person that has assisted counsel for Union Carbide on grounds that as drafted, this overly broad Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that these answers and responses are the result of a diligent investigation and review of the Brownsville facility business records, as well as, a result of many interviews conducted by counsel for Union Carbide with current and past Union Carbide employees and other individuals who worked at the Brownsville, Texas facility. Furthermore, the discovery process and Union Carbide's own investigation into this matter remain on-going. Union Carbide has not concluded its examination of Union Carbide files which might contain information or documentation which is responsive to this request.

Please refer to Union Carbide's Response to Plaintiff's Request for Disclosure.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 6 of 107 asbestosclaims.law/library/16954/6

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: Not applicable.

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 its objection, Union Carbide admits that asbestos or asbestos-containing were utilized during the years that operations were conducted at the Brownsville facility.

INTERROGATORY NO. 2:

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

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 7 of 107 asbestosclaims.law/library/16954/7

ANSWER: See the above Response to Request for Admission No. 2 herein. Union Carbide objects to this Interrogatory on grounds that it is vague, overly broad and unduly burdensome, and the burden of answering this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and as such is oppressive. Subject to its objections, Union Carbide responds as follows:

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 product, each specific location where asbestos may have been installed, by whom the product was installed, and the date the product was discontinued.

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 quotation, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

RESPONSE: Union Carbide objects to this Request as it is vague, overly broad and unduly burdensome and the burden of responding to this Request substantially outweighs the probative value of the information sought should discovery be allowed. Furthermore, UCC objects to this Request to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, Union Carbide objects to this Request on grounds that it is not reasonably calculated to lead

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 8 of 107 asbestosclaims.law/library/16954/8

to the discovery of admissible evidence and as such this Request is harassing and oppressive. Subject to its objections, Union Carbide responds as follows:

The discovery process, as well as, Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently working to conclude its examination of Union Carbide files which might contain some information or possible documentation which might be responsive to this overly broad Request. Union Carbide maintains a repository of documents and other material containing information pertaining to asbestos and asbestos related products. The repository, was created by Union Carbide during the onset of the asbestos-related litigation. Therefore, Union Carbide may have documents which might be considered responsive in its document repository and to the extent that such documents can be located, they will be produced to the Plaintiff.

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 made a reasonable inquiry, but the information known or easily obtainable regarding whether the Plaintiff was actually present at the Brownsville facility or what the conditions of his employment, if any, may have been, is insufficient to enable the responding party to admit or deny. Subject to its objections, it is admitted.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Produ... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 9 of 107 asbestosclaims.law/library/16954/9

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 request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff.

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: Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corporation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 10 of 107 asbestosclaims.law/library/16954/10

Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 4:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: See the above Response to Request for Admission No. 4 herein.

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 the above Responses to Request for Admission No. 4 and Request for Production No. 4 herein.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 11 of 107 asbestosclaims.law/library/16954/11

RESPONSE: Union Carbide objects to this Request to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, Union Carbide objects to this Request on grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and as such this Request is harassing and oppressive. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and as such constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996).

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 reasonably calculated to lead to the discovery of relevant evidence. Union Carbide further objects on grounds that this Request is vague, unduly burdensome, and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, this Request has not been reasonably limited to the subject matter of this lawsuit and as such 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:

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 12 of 107 asbestosclaims.law/library/16954/12

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

ANSWER: Union Carbide objects to this Interrogatory to the extent it seeks information which is not reasonably calculated to lead to the discovery of relevant evidence. Union Carbide further objects on grounds that this Interrogatory is vague, unduly burdensome, and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Additionally, Union Carbide objects to the extent this Interrogatory is over broad and not reasonably limited to the subject matter of the lawsuit and constitutes and impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996).

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 reasonably calculated to lead to the discovery of relevant evidence. Union Carbide further objects on grounds that this Request is vague, unduly burdensome, and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, this Request has not been reasonably limited to the subject matter of this lawsuit and as such constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996).

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 13 of 107 asbestosclaims.law/library/16954/13

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 and is vague and unclear and Union Carbide has no means to identify the information which Plaintiff requests. Union Carbide further objects to this Interrogatory on grounds that it is overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: See the above Response to Request for Admission No. 5 herein.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 14 of 107 asbestosclaims.law/library/16954/14

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide also objects on grounds that this Interrogatory is vague and calls for speculation. Subject to its objections Union Carbide responds as follows:

The discovery process and Union Carbide's own investigation in regard to this lawsuit remain on-going. Union Carbide will not have any information regarding the extent, if any, of asbestos exposure until discovery has been accomplished and/or completed. Union Carbide states further subject to its objections, that due to the lack of available information regarding Plaintiff, Union Carbide cannot make any contentions about where Plaintiff may have worked and what he may have been exposed to, if anything, while working. Union Carbide does not admit that plaintiff was exposed to asbestos while at the Brownsville plant, if in fact he worked at that location. Union Carbide further refers Plaintiff to its general statements contained in Union Carbides Objections to Definitions and Instructions which indicate that these responses pertain to Union Carbide's Brownsville facility only. Additionally, Union Carbide has no documentary evidence or information of any nature from its own employees or contractors that the Plaintiff was so exposed.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 15 of 107 asbestosclaims.law/library/16954/15

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: See the above Response to Request for Admission No. 6 herein.

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: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

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 as a result, as phrased, Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 16 of 107 asbestosclaims.law/library/16954/16

known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE: See the above Response to Request for Admission No. 8, including the objections set forth therein. Union Carbide further objects on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request overly broad and vague.

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: See Union Carbides Responses to Requests for Admission Nos. 5, 6, 7, including the objections set forth therein. In addition, after having made a diligent effort to ascertain the requested information, Union Carbide is unable to admit or deny this request as drafted due to the fact that the information known or easily obtainable is insufficient to establish if and/or when Plaintiff was working at the Union Carbide Brownsville plant. Subject to the foregoing, Union Carbide admits that it was aware of the presence of asbe..tos in its Brownsville facility.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 17 of 107 asbestosclaims.law/library/16954/17

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 objects to this Request to the extent that it is vague, and overly broad. Furthermore, this Request calls for speculation and as such is not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Union Carbide responds as follows:

Union Carbide is diligently searching for the existence of photographs, videographic depictions or film pertaining to the Brownsville facility and if such materials exist and can be located, they will be made available for inspection by the requesting party at a mutually agreeable place and time.

INTERROGATORY NO. 7:

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

ANSWER: See Union Carbide's General Objections. Union Carbide further objects to this Interrogatory as it has not been reasonably limited in time or scope, nor has this Interrogatory been reasonably limited to the Brownsville facility where Plaintiff is allegedly claiming exposure. Subject thereto, and without waiving the same, Union Carbide responds as follows:

With regard to the time period during which asbestos-containing products were present at the Brownsville facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. As a result, Union Carbide is diligently attempting to conclude its own examination of the Union Carbide files contained in the asbestos repository discussed in

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 18 of 107 asbestosclaims.law/library/16954/18

previous responses, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Furthermore, Union Carbide's knowledge concerning health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually. Union Carbide began posting cautionary warning signs to advise workers of the presence of asbestos and/or asbestos containing materials. Union Carbide believes that these general cautionary warning signs were posted at various locations within the Brownsville facility. The specific locations of these signs and dates and length of time these signs were posted is currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the potential adverse effects associated with the excessive inhalation of asbestos fibers in an effort to actively insure that employees and contractors were advised on ways to avoid the potential harm which could result from excessive exposure to asbestos dust.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE: See Union Carbide's Response to Interrogatory No. 7, including all objections set forth therein. Union Carbide further objects to this Request on grounds that it is vague and overly broad. Subject thereto, and without waiving the same, Union Carbide responds as follows:

To the extent that such warnings and other material exist and can be ascertained by a reasonably diligent search, Union Carbide will produce said documents to Plaintiff.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corporation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 19 of 107 asbestosclaims.law/library/16954/19

Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE: See Union Carbides Responses to Request for Production Nos. 12 and 13 and Union Carbides Response to Interrogatory No. 7 herein. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

RESPONSE: See Union Carbides Responses to Request for Production Nos. 12 and 13, Union Carbides Response to Request for Admission No. 10, and Union Carbides Response to Interrogatory No. 7 herein.

INTERROGATORY NO. 8:

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

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 20 of 107 asbestosclaims.law/library/16954/20

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

ANSWER: Union Carbide objects to this Interrogatory on grounds that it has not been reasonably limited in time or geographic scope, and as such this Request is overly broad. Subject to its objections, Union Carbide responds as follows:

The discovery process, as well as Union Carbide's own investigation into this matter remain on-going. As a result, Union Carbide is diligently attempting to conclude its own examination of the Union Carbide asbestos files which are contained in the repository described in previous discovery responses, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Additionally, please refer to the documents and/or other materials produced in response to Request for Production No. 15.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE: Union Carbide objects to this Request to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises and as such, this Request as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this Request on grounds that it is vague, and the oppressive, time consuming and costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 21 of 107 asbestosclaims.law/library/16954/21

It is unknown to Union Carbide at this time whether or not documents which may be responsive to the full breadth of this overly broad Request exist, and can be located through a reasonably diligent review of the Brownsville business records pertaining to plant safety. Therefore, upon the conclusion of its examination, Union Carbide will produce all responsive and non-privileged documentation and/or materials pertaining to the Brownsville facilities safety policies.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corporation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas. Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

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: See Union Carbides Responses to Request for Production Nos. 12 ,13 and 14, Union Carbides Response to Request for Admission No. 10, and Union Carbides Response to Interrogatory Nos. 7 and 9 herein. Union Carbide further objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information. Additionally, Union Carbide objects to this

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 22 of 107 asbestosclaims.law/library/16954/22

Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide also objects on grounds that this Interrogatory is vague and calls for speculation. Further, Union Carbide has not been provided sufficient information about the Plaintiff's presence at the Brownsville facility to enable Union Carbide to make a determination as to whether or not Plaintiff would have been specifically warned.

INTERROGATORY NO. 10:

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

ANSWER: See Union Carbides Responses to Request for Production Nos. 12 ,13,14 and 15, Union Carbides Response to Request for Admission No. 10, and Union Carbides Response to Interrogatory No. 7 and 9 herein. Union Carbide further objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information. Additionally, Union Carbide objects to this Interrogatory to the extent that it is overly broad and vague. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that during the time period which the Brownsville facility has been in operation, numerous safety policies, which may have been related to the usage of asbestos and/or asbestos containing products, have been utilized. Please refer to the documents which have been produced in Union Carbide's Response to Requests for Production Nos. 13 and 15.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 23 of 107 asbestosclaims.law/library/16954/23

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 on grounds that it is overly broad, in that it seeks information about safety equipment relating to materials other than asbestos and is therefore, not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that according to the best information which is available the Union Carbide Brownsville facility provided safety equipment to its employees for protection and maintained several safety policies in regard to the usage of protective devices. Further, both Union Carbide and the various contractors which were present at the Brownsville facility, utilized safety procedures which were enforced by the respective companies for the benefit of their personnel. At this time, it is unknown the exact dates when theses policies were implemented and/or expanded or revised. Union Carbide states that the investigation remains on-going regarding individuals who have worked in a safety capacity for the Brownsville facility and who may have knowledge concerning safety equipment, and that there is considerable overlap within this area. In addition, it was Union Carbide's philosophy that each and every

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 24 of 107 asbestosclaims.law/library/16954/24

department is responsible for the safety of its operations and the department(s) with responsibility for safety issues have usually been combined with other departments. Moreover, certain people have been key personnel in the area of safety at the plant through the years and their positions and departments have been subsequently modified and as a result, Union Carbide may not be able to provide the names, years of service and exact positions for these employees with "knowledge of safety equipment." Please refer to the documents which have been produced in Union Carbide's Response to Request for Production No. 15.

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 in regard to the Brownsville plant before the plant was built or under the control of Union Carbide. Subject to its objections, 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 to its objections, Union Carbide responds as follows:

Union Carbide admits that in general, according to the best information available, contractors that worked at the Brownsville facility during the relevant time periods surrounding its operation, were obligated to provide safety equipment to their own employees in a manner consistent with Federal, State and plant guidelines. The imposition and the acceptance of this obligation, on the part of the contractors, to adhere to the applicable safety guidelines was considered a condition precedent to Union Carbide's decision to

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 25 of 107 asbestosclaims.law/library/16954/25

accept any of the various contractors proposals or bids which had been submitted for consideration. Therefore, as explicitly qualified above, this request is admitted.

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 on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that over the years, air sampling and air quality testing have been performed at the Brownsville facility. Union Carbide will produce any and all dust counts or air studies in its possession relating to asbestos at the Brownsville plant which have been performed at any time during the operation of the Brownsville facility.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corporation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas. Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 26 of 107 asbestosclaims.law/library/16954/26

the air at Defendant's facility? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: See Union Carbides Response to Interrogatory No. 12. Union Carbide further objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information. Additionally, Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide also objects to this Interrogatory as it calls for the disclosure of information which is protected pursuant to the Texas Rules of Civil Procedure and the Texas Rules of Evidence as attorney-client communication, attorney work product and /or confidential communications. Subject to its objections, Union Carbide responds as follows:

The best information currently available to Union Carbide indicates that such air sampling and air quality testing have been performed at the Brownsville facility, but Union Carbide does not know if such studies were performed by insurance carriers and/or their agents. Please refer to the documents which have been produced by Union Carbide in response to Interrogatory No. 12.

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 objects to this Interrogatory on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 27 of 107 asbestosclaims.law/library/16954/27

particular facility or premises. The immense burden entailed in responding to this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. Subject to its objections, Union Carbide responds as follows:

Union Carbide is diligently searching for materials which may reflect any such inspections by numerous state and/or federal government agencies to Union Carbide's Brownsville facility and upon the discovery of responsive information, Union Carbide will produce said materials to Plaintiff.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corporation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas. Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 28 of 107 asbestosclaims.law/library/16954/28

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: See the above Response to Request for Admission No. 13, including the objections set forth therein. Union Carbide further objects on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request overly broad.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: See the above Response to Requests for Admission Nos. 13 and 14, including the objections set forth therein. Union Carbide further objects on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 29 of 107 asbestosclaims.law/library/16954/29

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: See the above Response to Requests for Admission Nos. 13, 14 and 15, including the objections set forth therein. Union Carbide further objects on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: Union Carbide objects to this Request for Admission on grounds that it is repetitious and duplicative of numerous prior requests for information. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 30 of 107 asbestosclaims.law/library/16954/30

obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: See the above Response to Requests for Admission Nos. 13, 14, 15 and 16, including the objections set forth therein. Union Carbide further objects on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague.

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 work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide states, subject to its objections contained herein, that it has made reasonable inquiry and has no information regarding if, when and where Plaintiff worked at the Brownsville facility and as a result can neither admit or deny the request. Subject to the foregoing, Union Carbide admits that the best information currently available indicates that during part of the time asbestos-containing materials were being handled and removed, that Brownsville utilized safety procedures which mandated

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 31 of 107 asbestosclaims.law/library/16954/31

that asbestos and asbestos-containing products be manipulated in a wet state to prevent the emission of airborne asbestos fibers.

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 states that during the time the Brownsville plant has been in operation, numerous safety policies, which may have been related to the usage and handling of asbestos and/or asbestos containing products, have been utilized. Please refer to the documents which have been produced in Union Carbide's Response to Requests for Production Nos. 13 and 15.

REQUEST FOR ADMISSION NO. 18: Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the work sites where your employees were using asbestos-containing materials, including the work sites where Plaintiff was present.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 21:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 32 of 107 asbestosclaims.law/library/16954/32

RESPONSE: Union Carbide states that during the time the Brownsville plant has been in operation, numerous safety policies, which may have been related to the usage and handling of asbestos and/or asbestos containing products, have been utilized. Please refer to the documents which have been produced in Union Carbide's Response to Requests for Production Nos. 13 and 15.

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: See Union Carbide's Response to Interrogatory No. 7, including all objections set forth therein. Union Carbide further objects to this Interrogatory on grounds that it is vague and overly broad. In addition, Union Carbide objects to this Interrogatory on grounds that it is repetitious and duplicative of numerous prior requests for information.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 33 of 107 asbestosclaims.law/library/16954/33

RESPONSE: See Union Carbide's Responses to Interrogatory No.11 and Request for Admission No. 12, including all objections set forth therein. Union Carbide further objects to this Interrogatory on grounds that it is vague and unduly burdensome, and as such the burden of answering this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. In addition, Union Carbide objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: See Union Carbide's Responses to Interrogatory No. 7, and Request for Admission No. 10, including all objections set forth therein. Union Carbide objects to this Request on grounds that it is vague, unintelligible and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, Union Carbide objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 22:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 34 of 107 asbestosclaims.law/library/16954/34

RESPONSE: See Union Carbide's Response to Request for Admission No. 19. In addition, please refer to the documents which have been produced in Union Carbide's Response to Requests for Production Nos. 13 and 15.

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 objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE: Please refer to the documents which have been produced in Union Carbide's Response to Requests for Production Nos. 13 and 15.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 35 of 107 asbestosclaims.law/library/16954/35

RESPONSE: Union Carbide objects to this Request on grounds that it seeks information which is irrelevant to the subject matter of this lawsuit and which is not reasonably calculated to lead to the discovery of relevant evidence. Union Carbide further objects on grounds that this Request is vague, and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the burden of responding to this Request substantially outweighs the probative value of the information sought should discovery be allowed.

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, and denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 36 of 107 asbestosclaims.law/library/16954/36

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 on grounds that it seeks the production of all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Subject to and without waiving said objections, Union Carbide responds as follows:

The discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide states that it retained control over Union Carbide operations and employees during the years that the Brownsville facility was operational. Union Carbide vehemently denies that it retained any degree of control over the various independent contractors which worked on the premises of the Brownsville facility over the years, except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety. Therefore, to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Brownsville facility, said documentation will be produced to the Plaintiff.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corportation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas. Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 37 of 107 asbestosclaims.law/library/16954/37

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 38 of 107 asbestosclaims.law/library/16954/38

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 39 of 107 asbestosclaims.law/library/16954/39

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 40 of 107 asbestosclaims.law/library/16954/40

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 41 of 107 asbestosclaims.law/library/16954/41

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 42 of 107 asbestosclaims.law/library/16954/42

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 43 of 107 asbestosclaims.law/library/16954/43

RESPONSE: Union Carbide objects to this request as vague in that the terms "power", "oversee", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 44 of 107 asbestosclaims.law/library/16954/44

Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 45 of 107 asbestosclaims.law/library/16954/45

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 46 of 107 asbestosclaims.law/library/16954/46

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 47 of 107 asbestosclaims.law/library/16954/47

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 48 of 107 asbestosclaims.law/library/16954/48

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: Union Carbide objects to the request as vague in that the terms "restricted", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 49 of 107 asbestosclaims.law/library/16954/49

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, denied as to operations and employees of independent contractors.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 50 of 107 asbestosclaims.law/library/16954/50

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 51 of 107 asbestosclaims.law/library/16954/51

your denial.

RESPONSE: Union Carbide objects to this Request on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and 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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 52 of 107 asbestosclaims.law/library/16954/52

RESPONSE: Union Carbide objects to this Request on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request overly broad and unduly burdensome. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 53 of 107 asbestosclaims.law/library/16954/53

the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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 but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. 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. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 54 of 107 asbestosclaims.law/library/16954/54

oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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 Interrogatory 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. Additionally, Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Interrogatory to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

In accordance with Union Carbide's understanding of this Interrogatory and assuming that the facility inquired about is the Brownsville facility, Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 55 of 107 asbestosclaims.law/library/16954/55

in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted 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 of "retained some control over the manner in which Plaintiff's employer performed the work" is undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 56 of 107 asbestosclaims.law/library/16954/56

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE: Union Carbide objects to this request as vague and undefined and unclear. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject thereto, Union Carbide states that it has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 57 of 107 asbestosclaims.law/library/16954/57

RESPONSE: Union Carbide objects to the request as vague, undefined and unclear. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. 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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Admitted.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 58 of 107 asbestosclaims.law/library/16954/58

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Not applicable.

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: Not applicable.

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: Not applicable.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Admitted..

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 59 of 107 asbestosclaims.law/library/16954/59

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE: Not applicable.

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: Not applicable.

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: Not applicable.

REQUEST-FOR ADMISSION NO. 50:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 60 of 107 asbestosclaims.law/library/16954/60

RESPONSE: Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, this fact is admitted as to Union Carbide's operations and employees denied as to operations and employees of independent contractors.

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad and vague. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Please refer to the documents that have been produced in Union Carbide's Response to Request for Production No. 25.

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 objects to this Interrogatory on grounds that it is unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide further objects to this Interrogatory to the extent

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 61 of 107 asbestosclaims.law/library/16954/61

that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's knowledge concerning the potential health hazards possibly associated with excessive asbestos fiber inhalation developed gradually, but it is impossible to state precisely when and how such knowledge was actually acquired. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic of asbestos and reports or memoranda created by or for Union Carbide employees. To the extent that copies of said reports and/or memoranda can be located through a reasonably diligent search of the Brownsville business records, said documents can be made available to the Plaintiff for review and duplication at a mutually agreeable time and place.

Over time, as the scientific knowledge surrounding asbestos became known and more importantly generally accepted throughout the industry, Union Carbide began to recognize the possibility that excessive inhalation of asbestos fiber may be associated with the development of a serious and potentially fatal disease. Union Carbide also understands that the onset and development of such disease in a person may be related to and affected by, among other factors: the particular type of fiber which is inhaled, cigarette smoking and environmental conditions, in addition to the individual's medical history and pre-existing conditions which have the tendency to aggravate and/or accelerate the potential harm which results from excessive exposure.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 62 of 107 asbestosclaims.law/library/16954/62

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 objects to this Request on grounds that it is vague and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff.

Please refer to the documents produced in *Eleodoro Levrier, et al. vs. Owens Corning Corportation, et al.*; Cause No. 99-05-02148-E; In the 357th District Court of Cameron County, Texas. Union Carbide will make the above referenced documents available for inspection and duplication by the requesting party at a mutually agreeable place and time.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 63 of 107 asbestosclaims.law/library/16954/63

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 states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Union Carbide admits that it advised its contractors with regard to health and safety procedures, but that the independent contractors themselves were responsible for the safety of their employees and for providing their employees with the required safety equipment depending on the particular job involved, otherwise beyond this explicitly qualified admission, this Request is denied by Union Carbide.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information concerning the subject matter described in the above Request for Admission. Union Carbide further objects to this Request on grounds that it is vague, undefined and unintelligible. Subject thereto, please refer to Union Carbide's Response 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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 64 of 107 asbestosclaims.law/library/16954/64

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 55:

Produce all documents supporting the legal theories and factual basis 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 its agreement with the Plaintiffs, no Rule 194 formal disclosure requests were exchanged between Union Carbide and Plaintiffs [with the exception of witness lists.] In addition, Union Carbide objects to this request because it is overly broad and seeks all documents relating to 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 Plaintiff's exposure to asbestos at Defendant's Premises was not a substantial contributing factor in causing his asbestos-related injury? If the answer is anything other than "no" identify each and every fact which supports this contention.

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 its objections, Union Carbide responds as follows: Union Carbide denies that such exposure, if any, was a substantial contributing factor in causing Plaintiff's alleged asbestos-related injury. Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 65 of 107 asbestosclaims.law/library/16954/65

Union Carbide refers Plaintiff to its Answer and any amendments thereto, and to Union Carbide's 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.

RESPONSE: Union Carbide objects to this request on grounds that it calls for speculation and is argumentative in that it assumes that Plaintiff was exposed to asbestos at the Defendant's Premises and that he has suffered an asbestos-related injury. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable is insufficient to enable the responding party to admit or deny. 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: See Union Carbide's Response to Interrogatory No. 19, including the all of the objections set forth therein.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 66 of 107 asbestosclaims.law/library/16954/66

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 on grounds that this Request seeks all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions and as a result this Request is overly broad.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE: Union Carbide objects to this request to the extent it is argumentative and assumes facts which are not in evidence. Specifically, this Request assumes that there was a risk of harm posed to Plaintiff, and that Union Carbide failed to reduce or eliminate such risk, and as a result Plaintiff suffered an asbestos-related injury. Subject thereto, this Request is denied.

REQUEST FOR PRODUCTION NO. 58:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 67 of 107 asbestosclaims.law/library/16954/67

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 thus, is overly broad. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998). Subject to and without waiving its objections, Union Carbide responds as follows:

See Union Carbide's Response to Request for Admission No. 57.

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 disease(s) complained, of produce all documents supporting you contention.

RESPONSE: Union Carbide objects to this Request to the extent it contains an interrogatory and as such is not a true Request for Production. Union Carbide further objects to this request because it is vague and does not seek specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998). In addition, Union Carbide objects to this Request to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Request is inconsistent with Rule 196 of the Texas Rules of Civil Procedure.

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 Request for Production. Union Carbide objects further to this request because it does not

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 68 of 107 asbestosclaims.law/library/16954/68

seek specific documents but all documents supporting a contention. Union Carbide objects further to the extent this Request assumes that Plaintiff has suffered an asbestos- related injury and that he worked on Union Carbide's Premises. Union Carbide further objects to the extent this request is overly broad and not reasonably limited to the subject matter of the lawsuit and as such constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996) Subject to its objections, Union Carbide responds as follows:

Union Carbide states that it has no knowledge or information concerning, the Plaintiff, amongst other factors, to enable it to make such a contention at this time.

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 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. Union Carbide further objects to the extent this request is overly broad and not reasonably limited to the subject matter of the lawsuit and as such constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996) Subject to its objections, Union Carbide responds as follows:

Union Carbide states that it has no knowledge or information concerning, the Plaintiff, amongst other factors, to enable it to make such a contention at this time. Union Carbide has insufficient information

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 69 of 107 asbestosclaims.law/library/16954/69

to determine whether the Plaintiff suffers from an asbestos-related disease and, to the extent that documentation exists, Union Carbide will produce any and all responsive documents within 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 for production to the extent it contains an interrogatory and is not a true Request for Production. 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. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and as such constitutes an impermissible fishing expedition. K-Mart Corp. v. Sanderson, 937 S.W.2d 429, 431 (Tex. 1996). In addition, Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that it has no knowledge or information concerning, the Plaintiff, amongst other factors, to enable it to make such a contention at this time. Subject thereto, Union Carbide states that it denies Plaintiff was exposed to asbestos dust at its Brownsville facility.

REQUEST PRODUCTION NO. 63:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 70 of 107 asbestosclaims.law/library/16954/70

RESPONSE: Union Carbide objects to this Request on grounds that it is unduly burdensome and overly broad and does not seek specific items or categories of documents. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998). In addition, Union Carbide objects to the extent that this Request, as drafted, is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 64:

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

a. Any document retention and/or destruction policies for Defendant that pertain to documents and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

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

RESPONSE: Union Carbide objects to this Request to the extent it is vague, overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises. In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome, and the oppressive, time consuming and the costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 71 of 107 asbestosclaims.law/library/16954/71

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documentation, including but not limited to lists, inventories, indicies, 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 to the extent it is vague, overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises. In addition, Union Carbide objects to this Request on grounds that it is vague , confusing and unduly burdensome, and the oppressive, time consuming and costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request.

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 objects to this Interrogatory on grounds that it is vague, unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide further objects to this Interrogatory to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Interrogatory to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 72 of 107 asbestosclaims.law/library/16954/72

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 54. Additionally, if Union Carbide has access to information relating to who received, maintained, reviewed or disseminated such materials, it will be reflected on those documents.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.

RESPONSE: Please refer to Union Carbide's 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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 73 of 107 asbestosclaims.law/library/16954/73

RESPONSE: To the extent that non-friable asbestos may be still be in place at the now closed Brownsville facility, this Request is admitted as explicitly qualified herein, otherwise this Request is denied.

REQUEST FOR ADMISSION NO. 61:

Admit that defendant no longer uses asbestos on its Premises.

RESPONSE: Union Carbide objects to this vague and unintelligible Request on grounds that it is duplicative and repetitious of numerous prior Requests for information concerning the subject matter described above. Subject to its objections, Union Carbide responds as follows:

Please refer to Union Carbide's Response to Request for Admission No. 60.

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 Brownsville 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. 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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 74 of 107 asbestosclaims.law/library/16954/74

the extent that it is duplicative and repetitious of numerous prior requests for information. 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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the tem "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

REQUEST FOR ADMISSION NO. 65:

Admit that abestos-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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 75 of 107 asbestosclaims.law/library/16954/75

RESPONSE: Union Carbide objects to this request as it is over broad. This request is not limited to the Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 76 of 107 asbestosclaims.law/library/16954/76

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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the te "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

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 Brownsville facility where Plaintiff has alleged exposure. Union Carbide further objects to the term

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 77 of 107 asbestosclaims.law/library/16954/77

"in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague, overly broad and unduly burdensome. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant information. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 78 of 107 asbestosclaims.law/library/16954/78

beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 79 of 107 asbestosclaims.law/library/16954/79

to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 80 of 107 asbestosclaims.law/library/16954/80

calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. 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 vague and overly broad. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant evidence. As drafted, this Request has not been confined to the Brownsville facility where Plaintiff has alleged exposure and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in-place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, admitted.

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 on grounds that it is vague, unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premise. Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Brownsville, Texas plant, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 54.

REQUEST 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 this Request on grounds that it is vague, unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 82 of 107 asbestosclaims.law/library/16954/82

objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 54.

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 to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 83 of 107 asbestosclaims.law/library/16954/83

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining or relating to any inspections by regulatory agencies, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Interrogatory No.14.

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 that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility, contractor or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 84 of 107 asbestosclaims.law/library/16954/84

this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 15.

REQUEST FOR PRODUCTION NO.: 71:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in time, scope or for that matter, a particular facility, contractor or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records and contracts pertaining to the abatement of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 15.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 85 of 107 asbestosclaims.law/library/16954/85

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 objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, Union Carbide will supplement this Response.

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 objects to this Request to the extent that it is vague, unduly burdensome, and irrelevant to this lawsuit. Union Carbide further objects to this Request to the extent that it seeks

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 86 of 107 asbestosclaims.law/library/16954/86

information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the removal of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff's in Response to Request for Production No. 3.

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, if said documents exist and can be ascertained through a reasonable review of Union Carbide's Brownsville business records.

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's Premises.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 87 of 107 asbestosclaims.law/library/16954/87

RESPONSE: Union Carbide will produce any such documents in its possession, if said documents exist and can be ascertained through a reasonable review of Union Carbide's Brownsville business records.

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 objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 3.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 88 of 107 asbestosclaims.law/library/16954/88

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 objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it calls for speculation and as drafted this Request is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to the documents which have been produced in response to Request for Production No. 13.

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 will produce any such documents in its possession, if said documents exist and can be ascertained through a reasonable review of Union Carbide's Brownsville business records.

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 objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 89 of 107 asbestosclaims.law/library/16954/89

time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it calls for speculation and as drafted this Request is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to the documents which have been produced in response to 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: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in time, scope or for that matter, a particular facility, contractor or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the individuals which have claimed injury as a result of asbestos exposure, and to the extent that responsive and non-privileged documentation and/or other materials

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 90 of 107 asbestosclaims.law/library/16954/90

containing information pertinent to the full breadth of this Request are discovered, Union Carbide will supplement this Response.

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 that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Brownsville business records pertaining to the potential hazards of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be produced to the Plaintiff in Response to Request for Production No. 54.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 91 of 107 asbestosclaims.law/library/16954/91

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 objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

It is unknown to Union Carbide at this time whether or not documents which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Brownsville business records pertaining to asbestos. Therefore, if said documents exist and can be located, upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

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".

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law

ACL Doc 16954 · Page 92 of 107 asbestosclaims.law/library/16954/92

RESPONSE: Union Carbide objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to the documents which have been produced in response to Requests for Production Nos. 13 and 14.

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 this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information, and as such this Request is harassing and oppressive, and to some extent an abuse of the discovery process. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to the documents which have been produced in response to Requests for Production Nos. 3.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 93 of 107 asbestosclaims.law/library/16954/93

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 its 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 objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 94 of 107 asbestosclaims.law/library/16954/94

discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

It is unknown to Union Carbide at this time whether or not documents which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Brownsville business records pertaining to asbestos. Therefore, if said documents exist and can be located, upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

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 Defendant's Premises.

RESPONSE: Union Carbide objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to Response to Request for Production No. 15 herein.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 95 of 107 asbestosclaims.law/library/16954/95

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 to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

It is unknown to Union Carbide at this time whether or not documents which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Brownsville business records pertaining to plant safety. Therefore, if said documents exist and can be located, upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 96 of 107 asbestosclaims.law/library/16954/96

REQUEST FOR PRODUCTION NO. 91

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

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 and will supplement this Response 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 objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this Request to the extent that it is unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

REQUEST FOR PkODUCTION NO. 93:

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 97 of 107 asbestosclaims.law/library/16954/97

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide began to operate on the property on which its Brownsville facility was located in 1959, after the completion of extensive construction. This property was leased from the Port Authority of Brownsville and Union Carbide owned the infrastructure and improvements on the property. In 1983, the plant was closed and the property was returned to the Port Authority of Brownsville, with the exception of 10 acres which Union Carbide purchased and currently maintains.

It is unknown to Union Carbide at this time whether or not documents which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Brownsville business records pertaining to plant safety. Therefore, if said documents exist and can be located, upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

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 objects to this Request on grounds that it is vague, overly broad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law

ACL Doc 16954 · Page 98 of 107 asbestosclaims.law/library/16954/98

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

It is unknown to Union Carbide at this time whether or not documents which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Brownsville business records pertaining to work done by contractors. Therefore, if said documents exist and can be located, said documents will be included in Union Carbide's Response to Request for Production No. 25, contained 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 objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time,

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Prod... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 99 of 107 asbestosclaims.law/library/16954/99

scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it calls for speculation and as drafted this Request is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

Union Carbide refers Plaintiff to the documents which have been produced in response to Request for Production No. 13.

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 to its objections, Union Carbide responds as follows:

Union Carbide will produce any such documents in its possession, if said documents exist and can be located through a reasonable review of Union Carbide's Brownsville business records.

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 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 liminatation, purchase or sale agreements, minutes, resolutions, annual reports, 10 K 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.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 100 of 107 asbestosclaims.law/library/16954/100

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

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro… Published by AsbestosClaims.Law
ACL Doc 16954 · Page 101 of 107 asbestosclaims.law/library/16954/101

CAUSE NO. 2000-05-1962-C

ROBERT HENRY VILLARREAL, Individually and as Personal Representative of the Heirs and Estate of JOHN HENRY VILLARREAL	§	**IN THE DISTRICT COURT OF**
Plaintiffs,	§	
vs.	§	**CAMERON COUNTY, TEXAS**
GAF CORPORATION HOLDINGS, INC.), ET AL.	§	
Defendants.	§	**197TH JUDICIAL DISTRICT**

DEFENDANT UNION CARBIDE CORPORATION'S RESPONSES TO PLAINTIFF ROBERT HENRY VILLARREAL'S RULE 194 REQUEST FOR DISCLOSURE TO PREMISES DEFENDANT UNION CARBIDE CORPORATION

COMES NOW, Defendant, Union Carbide Corporation d/b/a Union Carbide Chemical & Plastics, Inc.'s, and files these Responses to Plaintiff's 194 Request for Disclosure to Premises Defendant Union Carbide Corporation.

Respectfully submitted,

POWERS & FROST, L.L.P.

James H. Powers
TBN: 16217400
Sharla J. Frost
TBN: 07491100
Gwendolyn S. Frost
TBN: 07488750
2600 Two Houston Center
909 Fannin
Houston, Texas 77010
Telephone: (713) 767-1555
Telecopier: (713) 767-1799

ATTORNEYS FOR DEFENDANT UNION CARBIDE CORPORATION d/b/a UNION CARBIDE CHEMICAL & PLASTICS, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been forwarded to counsel of record for Plaintiffs on this the 12th day of March, 2001.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro… Published by AsbestosClaims.Law
ACL Doc 16954 · Page 103 of 107 asbestosclaims.law/library/16954/103

RESPONSES TO REQUEST FOR DISCLOSURE

(a) The correct names of parties to this lawsuit;

Defendant is unaware at this time that any parties to this lawsuit have been incorrectly named.

(b) the name, address, and telephone number of any potential parties;

Defendant is unaware at this time of any potential parties who have not been named in Plaintiffs' Petition.

(c) the legal theories and, in general, the factual bases of the responding party's defenses (the responding party need not marshal all evidence that may be offered at trial;

Defendant's defenses are outlined in its Answer to Plaintiffs' Petition and any amendments filed thereto. Without waiving any defense stated therein, Defendant contends the following generally:

Defendant will dispute that Plaintiff(s)'s alleged injuries are asbestos related. Defendant contends that each Plaintiff contributed to cause his or her own alleged injury and/or death by smoking and/or other actions and lifestyle choices. Defendant also contends that the acts or omissions of others contributed to cause each Plaintiff's alleged injuries and/or death.

No product manufactured, sold or distributed by Defendant caused any alleged injury to Plaintiff(s). Each Plaintiff was either not exposed to Defendant's products, or any alleged exposure did not contribute to cause any Plaintiff's alleged injury. Defendant will present a "state of the art" defense to demonstrate that Defendant was charged with no greater knowledge than that of the medical and scientific community. Defendant will deny that it breached any duty to warn and will deny that its products were defective.

(e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

Defendant does not know each person with knowledge of relevant facts. Defendant states that each Plaintiff, all witnesses named or designated by each Plaintiff, all Defendants, all witnesses named or designated by other Defendants, co-workers of each Plaintiff, family members of each Plaintiff, medical personnel who have treated or examined each Plaintiff and medical personnel who have

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro… Published by AsbestosClaims.Law
ACL Doc 16954 · Page 104 of 107 asbestosclaims.law/library/16954/104

reviewed records, x-rays and/or pathology of Plaintiff may all have knowledge of relevant facts. Defendant additionally incorporates herein Defendant's witness lists, exhibit lists and designation of deposition testimony, on file or to be filed in this case.

(f) for any testifying expert:

(1) the expert's name, address and telephone number;
(2) the subject matter on which the expert will testify;
(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the Responding party, documents reflecting such information;
(4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
(B) the expert's current resume and bibliography;

Defendant incorporates herein Defendant's witness lists, exhibit lists and designations of deposition testimony, on file or to be filed in this case. Defendant does not have information regarding testifying experts to each Plaintiff or of other Defendants.

(g) any discoverable indemnity and insuring agreements;

It is impossible to answer this request with specificity because a number of factors determine which carrier or carriers may be required to respond to any particular claim. Documents which may expand upon the response are available for inspection. An index is available.

(i) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

These documents, to the extent Defendant possesses them, will be made available to Plaintiff for review and copying at a mutually agreed upon time.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro... Published by AsbestosClaims.Law
ACL Doc 16954 · Page 105 of 107 asbestosclaims.law/library/16954/105

(k) **In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.**

These documents, to the extent Defendant possesses them, will be made available to Plaintiff for review and copying at a mutually agreed upon time.

Union Carbide trial exhibit UC-1889: Union Carbide's Answers to Interrogatories, Responses to Requests for Pro… Published by AsbestosClaims.Law
ACL Doc 16954 · Page 106 of 107 asbestosclaims.law/library/16954/106

MAR 14.01* 10505

POWERS & FROST, L.L.P. ATTORNEYS AT LAW
2600 Two Houston Center 909 Fannin Houston, Texas 77010-1009
Telephone (713) 767-1555 Facsimile (713) 767-1799

March 12, 2001

Via Certified Mail: 7099 3222 0005 0583 8562

Ms. Holly Huart
Baron & Budd
The Centrum
3102 Oak Lawn Avenue, Ste. 1100
Dallas, TX 75219-4281

Re: Cause No. 2000-05-1962-C; *Robert Henry Villarreal, Induvidually and as Personal Representative of the Heirs and Estate of John Henry Villarreal vs. GAF Corporation (f/k/a NEWCO Holdings, Inc.), et al;* In the 197th Judicial District Court of Cameron County, Texas.
File No. 7030 - 148

Dear Ms. Huart:

Enclosed please find the following documents:

1. **Defendant Union Carbide Corporation's Answers to Plaintiff's First Set of Interrogatories, Responses to Request for Production and Requests for Admission; and**

2. **Defendant Union Carbide Corporation's Responses to Plaintiff Robert Henry Villarreal's Rule 194 Request for Disclosure to Premises Defendant Union Carbide Corporation.**

If you have any questions, please do not hesitate to contact our office.

RECEIVED EL/PR
3-15-01 DATE INITIALS

Sincerely,

James H. Powers/HB

James H. Powers

JHP/dcr

HH
DF
Ruth