PLAINTIFF'S EXHIBIT

UC-1892

CAUSE NO. 00-02975-I

MARION EDWARD GILLUM;	§	IN THE DISTRICT COURT OF
BOBBY LLOYD GILMORE;	§	
JAMES ALLEN HELMS;	§	
EARNEST DANIEL HENDRICKS;	§	
LAWRENCE E. HUTTO;	§	
HUGH PAYTON JOHN; RAY E MICHALIK;	§	
JERRY BOB PRICE; CARL RAYBORN;	§	DALLAS COUNTY, TEXAS
and EARL DOUGLAS WHITT,	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
GAF CORPORATION, ET AL.,	§	
Defendants.	§	162ND JUDICIAL DISTRICT

DEFENDANT PHARMACIA CORPORATION'S, f/k/a MONSANTO COMPANY, OBJECTIONS AND RESPONSES TO PLAINTIFF BOBBY LLOYD GILMORE'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS

TO: Plaintiff Bobby Lloyd Gilmore, by and through his attorneys of record, Holly Huart and Stephanie Finch, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Pursuant to Texas Rules of Civil Procedure, Defendant Pharmacia Corporation, formerly known as Monsanto Company, serves its Objections and Responses to Plaintiff Bobby Lloyd Gilmore's First Set of Interrogatories, First Request for Production and First Request for Admissions to Defendant Monsanto Company, attached hereto as Exhibit "1."

Respectfully submitted,

WOODARD, HALL & PRIMM, P.C.

By: _____

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ATTORNEYS FOR DEFENDANT
PHARMACIA CORPORATION, FORMERLY
KNOWN AS MONSANTO COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been duly served on Plaintiffs' counsel of record by certified mail, return receipt requested, and to all other counsel of record by regular mail on this 9th day of March, 2001:

_____
G. Joe Ellis

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Exhibit "1"

I.

OBJECTIONS TO PLAINTIFF'S INSTRUCTIONS AND DEFINITIONS, AND GENERAL OBJECTIONS TO PLAINTIFF'S DISCOVERY REQUESTS

1. Defendant objects to Instruction No. 1 seeking to require a particular manner of production of responsive documents on the grounds that it incorrectly states what is required by the Texas Rules of Civil Procedure and improperly seeks to impose an obligation beyond, or more restrictive than that allowed under those rules. Defendant will comply with the Texas Rules of Civil Procedure in responding.

2. Defendant objects to Definition No. 1, attempting to define "Defendant", "you", "your" and "your company" to include legally separate and distinct corporate entities who are not parties to this case on the grounds that such is overly broad, unduly burdensome, harassing, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, and goes beyond the scope of discovery under the Texas Rules of Civil Procedure.

3. Defendant objects to Definition No. 2, attempting to define "document", etc. to include matters outside the scope of discovery under the Texas Rules of Civil Procedure, specifically attempting to require production of materials that are not within this Defendant's possession, custody or control, on the grounds that such is beyond the scope of discovery and the Texas Rules of Civil Procedure, overly broad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to Definition No. 16 attempting to define the term "identify" with regard to a document to the extent such definition seeks to limit Defendant's right to identify a document by simply producing it, on the grounds that such seeks to impose obligations beyond the scope of discovery, amounts to multiple interrogatories and subparts, is unduly burdensome and harassing.

II.

GENERAL RESPONSE TO PLAINTIFF'S DISCOVERY REQUESTS REGARDING PRODUCTION OF DOCUMENTS

In response to Plaintiff's requests for documents and Plaintiff's interrogatories in response to which Defendant has referred to documents which may contain responsive information, subject to and without waiving the objections stated herein, Defendant further responds that documents responsive to Plaintiff's requests were previously copied and provided to Plaintiff's counsel at their request in a prior separate action. Still subject to and without waiving Defendant's objections, additional documents which may be responsive to some of Plaintiff's Discovery requests are available for inspection and will be made available at the offices of Defendant's counsel at a mutually agreeable time upon reasonable request. Furthermore, subject to and without waiving

Defendant's objections, as further documents that may be responsive to Plaintiff's Discovery are obtained, if any, such will likewise be made available for inspection.

III.

ASSERTION OF PRIVILEGED DOCUMENTS

Pursuant to Tex. R. Civ. P. 193.3, you are hereby advised that material or information which may be responsive is privileged, and has been withheld from this response on that basis. The privileged materials and information covered by this Assertion of Privileged Documents relate to each and every request for production in this litigation.

The material and information withheld pursuant to this Assertion of Privileged Documents includes:

(a) confidential communications made for the purpose of facilitating the rendition of professional legal services for the client between the client or a representative of the client and the client's lawyers or representatives of the lawyers;

(b) confidential communications made for the purpose of facilitating the rendition of professional legal services for the client between the client's lawyers or lawyers' representatives;

(c) confidential communications made for the purpose of facilitating the rendition of professional legal services for the client by the client or a representative of the client, or the client's lawyers or the lawyers' representatives, to a lawyer or a representative of a lawyer representing another party in an action that was pending at that time, and concerning a matter of common interest therein;

(d) confidential communications made for the purpose of facilitating the rendition of professional legal services for the client between representatives of the client or between the client and a representative of the client;

(e) confidential communications made for the purpose of facilitating the rendition of professional legal services for the client among lawyers and their representatives representing the same client;

(f) returns or reports required by law to be made;

(g) trade secrets owned by the client or other information of a confidential and/or proprietary nature or which otherwise may be the proper subject of a request for confidentiality and/or protective order;

(h) privileged communications to or from lawyers or lawyers' representatives which were created or made from the point at which the client consulted a lawyer in the defense of claims that one or more individuals were injured as the result of exposure to asbestos fibers on a premises

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owned by Monsanto, other than in this particular lawsuit, and which communications concern litigation and claims other than the claims in this particular lawsuit;

(i) privileged documents of lawyers or lawyers' representatives which were created or made from the point at which the client consulted a lawyer in the defense of claims that one or more individuals were injured as the result of exposure to asbestos fibers on a premises owned by Monsanto, other than in this particular lawsuit, and which documents concern litigation and claims other than the claims in this particular lawsuit;

(j) material prepared, or mental impressions developed, in anticipation of litigation, including other litigation as described above, or for trial (including other trials besides this case) by or for the client or the client's representatives, including the client's attorneys, consultants, sureties, indemnitors, insurers, employees, or agents;

(k) communications made in anticipation of litigation, including other litigation as described above, or for trial (including other trials besides this case) between a client and the client's representatives, or among the client's representatives, including the client's attorneys, consultants, sureties, indemnitors, insurers, employees, or agents;

(l) work products of an attorney or an attorney's representatives that contain the attorney's or the attorney's representative's mental impressions, opinions, conclusions or legal theories in this lawsuit, and in other lawsuits, both pending and resolved, in which it has been alleged that one or more individuals were injured as the result of exposure to asbestos fibers on a premises owned by Monsanto.

For a description of the material and information withheld pursuant to this Assertion of Privileged Documents, a list of privileged documents is available upon appropriate request from Defendants' counsel of record.

Finally, depending on the resolution of the General and Specific Objections made in this response, additional documents may also be withheld from discovery based upon this Assertion of Privileged Documents. In such event, Defendant will supplement the list of privileged documents.

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IV.

OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS

Subject to the foregoing objections, Defendant further responds and/or objects to Plaintiff's specific discovery requests as follows; and, in responding, Defendant will apply Plaintiff's definitions, subject to the foregoing objections, where appropriate.

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:

Responses to these interrogatories are based upon Defendant's corporate knowledge. As such, information responsive to some or all of these interrogatories has been accumulated over a period of time and specific sources of particular information cannot be determined. These responses were prepared based upon available information by both outside legal counsel and in-house legal staff.

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:

Admit.

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.

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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 admits that asbestos-containing insulation materials were used or installed at Defendant's Texas facilities up until 1972, at which time Defendant ceased purchasing such asbestos-containing insulation products. Asbestos containing gaskets may have been used after 1972 while Defendant attempted to secure an acceptable substitute. Defendant denies that asbestos-containing products were utilized throughout the defined "years at issue," i.e. 1966-1984.

Interrogatory No .2:

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

a. What these products were used for

b. From whom these products were purchased

c. Where these products were installed

d. Specific persons or contractors who install these products

e. the first year each product was no longer purchased and installed on Defendant's Premises.

Response:

Defendant objects on the grounds and to the extent that this interrogatory is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to the parties or issues in this case, and is not reasonably calculated to lead to the discovery of admissible evidence because it is not reasonably limited in time, is not limited to the asbestos-containing products used in units or areas where Plaintiff allegedly worked, and is not limited to the specific types of products or materials with which or around which Plaintiff allegedly worked and/or to which Plaintiff was allegedly exposed.

Without waiving its objections, Defendant states that, based upon the information available to it at this time, asbestos was present in a number of materials used in and around its Texas facilities, including gaskets, packing, floor tiles, transit board, roofing materials, siding, and pipe and vessel insulation. Inasmuch as insulation containing asbestos was the only available insulating material for use in certain applications at industrial plants such as Defendant's Texas facilities prior

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to the 1970's, Defendant generally used asbestos-containing insulation products in units where pipes and vessels required such insulation materials. Defendant believes that asbestos-containing insulation materials may have been used or installed at Defendant's Texas facilities up until 1972, at which time Defendant ceased purchasing such asbestos-containing insulation products. Asbestos containing gaskets may have been used after 1972 while Defendant attempted to secure an acceptable substitute. More detailed information concerning the dates when and locations where asbestos-containing products were used or installed in Defendant's Texas facilities is not known at the present time and this Defendant will supplement this response in accordance with the Texas Rules of Civil Procedure if other responsive information becomes available. However, some of this information may be derived or ascertained from an examination of the documents of this Defendant, which have been or will be made available to Plaintiffs in this case. Detailed information concerning trade or common names of asbestos-containing products present in the Defendant's Texas facilities is either unavailable at this time or may be ascertained from the answer below or from documents which have been or will be produced in this case or from testimony of former employees or workers who worked on Defendant's Premises in Texas.

Based upon the information which is available to it at this time, however, Defendant believes that Johns Manville and Owens-Corning were manufacturers of some of the insulation products that were present in and around Defendant's Texas facilities. Defendant believes that the following were makers or distributors of asbestos-containing materials present in and around Defendant's Texas facilities: J. T. Thorpe (insulation materials); Lion Oil (Nokorode, a water-proofing mastic); Gulf Supply (gaskets); Lamons (gaskets); Marine Petro (gaskets); John Crane (gaskets); Texas Marine (gaskets); Triplex (gaskets); and Flexitallic (gaskets). Defendant does not know, and is unable at this time to identify with any reasonable degree of accuracy, the distributors of other possible asbestos-containing materials present in and around Defendant's Texas facilities. More detailed information concerning the product names, what such products were used for, sellers and/or manufacturers, locations where installed, when purchased and persons and entities who may have installed asbestos-containing products present in Defendant's Texas facilities is unavailable at this time and this Defendant will supplement this response in accordance with the Texas Rules of Civil Procedure if other responsive information becomes available. However, some of this information may be derived or ascertained from an examination of the documents of this Defendant which have been or will be made available to Plaintiffs in this case and the burden of such is substantially the same for Plaintiff as for Defendant.

Request for Production No. 2:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff,

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is not reasonably calculated to lead to the discovery of admissible evidence and because it is not reasonably limited in scope to the relevant time period when Plaintiff allegedly worked at Defendant's facility, is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked or to the specific materials to which Plaintiff alleges he was exposed. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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 sometime after installation.

Response:

Defendant objects to this request on the grounds that it is vague and ambiguous. Subject to the foregoing objections, Defendant denies that plaintiff was ever employed by Defendant and states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that plaintiff was ever employed by a contractor working on a premises owned by Defendant. Defendant admits that asbestos-containing products were at times removed, stripped, replaced or repaired after installation as part of regular maintenance.

Interrogatory No. 3:

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

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

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, harassing, oppressive, onerous, seeks information that is not relevant or material to the claims in this lawsuit, and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited in time, is not limited to the units or areas where Plaintiffs allegedly worked, is not limited to the specific types of products or materials with which or around which Plaintiff allegedly worked and/or to which Plaintiff was allegedly exposed.

Without waiving its objections, Defendant states that, in line with Defendant's corporate policy, its plants began the systematic removal of asbestos-containing materials in the 1970's. Removal was accomplished as asbestos-containing insulation materials had to be replaced on each pipe or vessel in each unit of the plant. Where removal was inappropriate, Defendant encapsulated

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those materials and such were maintained in this encapsulated condition either by steel piping, paint or duct tape and, as such, were in a non-friable state. For information about the persons or companies that may have been involved in the abatement of asbestos-containing products from Defendant's facilities, see response to interrogatory no. 2 above. Further, information responsive to this request may be ascertained in the documents that have been or will be produced to Plaintiff's counsel and the burden of ascertaining this information is substantially the same for Plaintiff as it is for Defendant. Defendant will supplement this answer should any other information become known.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, over-reaching, harassing, oppressive, onerous, seeks information that is not relevant or material to the claims in this lawsuit, and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited in time, is not limited to the units or areas where Plaintiffs allegedly worked, is not limited to the specific types of products or materials with which or around which Plaintiff allegedly worked and/or to which Plaintiff was allegedly exposed. Subject to and without waiving the foregoing objections, Defendant responds that documents responsive to this request may be included in the documents which have been or will be produced to Plaintiff's counsel.

Request for Admission No. 4:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

Request for Production No. 4:

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

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Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Subject to the foregoing objections, Defendant responds that based on the referenced response, this request is not applicable.

Request for Production No. 5:

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

Response:

Not applicable.

Request for Production No. 6:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff worked at a Monsanto facility or any reasonable time period and is not limited to any reasonable scope of locations. Subject to the foregoing objections, documents which may be responsive to this request have been or will be produced to Plaintiff.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff allegedly worked at a Monsanto facility,

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or any reasonable time period, and is not limited to any reasonable scope of locations. Subject to the foregoing objections, no such records are known to exist.

Interrogatory No. 4:

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

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

Response:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, oppressive and harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects, on the same grounds, to the extent the request is not limited to the facility(s) at issue in this particular case or any reasonable period of time. Subject to and without waiving its objections, Defendant responds as follows:

There were several hundred contractors working at Defendant's Texas facilities over the years performing a variety of tasks. The identity of many of these contractors is unknown due to the unavailability of records. Certain contractors contracted directly with Monsanto's central engineering department for work to be performed at its facilities, and attached as Exhibit A is a list of many of the contractors who worked at Monsanto's Texas City facility. Also, some of the information sought may be determined from a review of the records which have been or will be produced and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant.

Specific information responsive to subpart (c) of this interrogatory is not within the personal knowledge of Defendant, but some of this information may be obtained from a review of the documents which have been or will be produced and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant.

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.

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Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims, is not reasonably calculated to lead to the discovery of admissible evidence, and is not limited to any reasonable scope of locations or the specific area that Plaintiff allegedly worked or any reasonable scope of type of contractor or type of work being performed. Subject to and without waiving the foregoing objections, documents which may be responsive to this request have been or will be produced to Plaintiff's counsel.

Interrogatory No. 5:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims, is not reasonably calculated to lead to the discovery of admissible evidence, and is not limited to any reasonable scope of locations or any reasonable scope of type of contractor or type of work being performed. Subject to and without waiving the foregoing, Defendant responds that some of this information may be obtained from an examination of the documents of this Defendant which have been or will be made available to Plaintiff's counsel and the burden of ascertaining such is substantially the same for Plaintiff as it is for Defendant.

Request for Admission No. 5:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

Request for Production No. 9:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require

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production of attorney work product and information protected by attorney client privilege. Subject to the foregoing objections, Defendant responds that based on the referenced response, this request is not applicable.

Interrogatory No. 6:

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

Response:

Discovery and investigation of facts is ongoing and Defendant will supplement this answer should more information be discovered. Defendant does not know whether Plaintiff ever worked at a premises owned by Defendant, the work he may have performed or the exact details existing at the time Plaintiff was allegedly on Defendant's premises. However, it is Defendant's position that Plaintiff, and all other persons on Defendant's facilities, were not exposed to asbestos at levels then thought to be hazardous. See also response to Interrogatory Nos. 8, 10, 11, 12, 13, 15 and 16.

Request for Admission No. 6:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

Request for Production No. 10:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Subject to the foregoing objections, Defendant responds that based on the referenced response, this request is not applicable.

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Request for Admission No. 7:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

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:

Defendant objects on the grounds that this request is vague, overbroad, and impossible to answer with any degree of certainty, Plaintiff has failed to specify or define "the time period Plaintiff worked at premises", it is impossible to state when a large corporate entity became "aware" of a particular fact or assertion, and scientific/medical knowledge regarding asbestos evolved over time. Subject to and without waiving the foregoing, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that Plaintiff worked at a facility owned by Defendant. Further, Defendant admits that there were persons within Monsanto who were aware by 1966 that exposure to high concentrations of asbestos fibers over a prolonged period of time had the potential to present a health hazard.

Request for Production No. 11:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Subject to the foregoing objections, Defendant responds that based on the referenced response, this request is not applicable.

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Request for Admission No. 9:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that Plaintiff ever worked on a premises owned by Defendant. Defendant admits that it was aware of the presence of and/or use of asbestos-containing products on Defendant's Premises during the Plaintiff's defined and alleged relevant time period (1966-1984).

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, is not limited in time to the period when Plaintiff allegedly worked at a Monsanto facility, or any reasonable time period, is not limited to any reasonable scope of locations. Subject to and without waiving the foregoing , documents which may be responsive to this request have been or will be produced to Plaintiff's counsel.

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.

Response:

Discovery and investigation of facts is ongoing and Defendant will supplement this answer should more information be discovered. Defendant does not know that Plaintiff was ever present or worked on its premises, the work he may have performed, what location he performed any work, or the exact details existing at the time Plaintiff was allegedly on Defendant's Premises. However, although Defendant has no record of any communications directly with Plaintiff, Defendant states that it provided a safe workplace and appropriate safety information to workers on its premises at all relevant times. For further response, see responses to Interrogatory Nos. 6, 8, 11, 15 and 16.

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Request for Production No. 13:

Produce all such warnings.

Response:

Discovery and investigation of facts is ongoing and Defendant will supplement this answer should more information be discovered. See response to interrogatory no. 7, and if any such documents exist they would be within the documents which have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is vague and overbroad since it is not limited or specific enough as to time, location and the type of work allegedly done by Plaintiff. Subject to these objections, after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that Plaintiff ever worked on Defendant's Premises. Further subject to the foregoing objections, Defendant denies the balance of this request.

Request for Production No. 14:

If you deny the foregoing, produce all such warnings.

Response:

Defendant objects to this request on the grounds that it is vague and overbroad since it is not limited as to time, location and the type of work allegedly done by Plaintiff. Subject to and without waiving the foregoing objections, documents which may be responsive have been or will be produced to Plaintiff's counsel.

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

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

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not reasonable calculated to lead to the discovery of admissible evidence and is not limited to any reasonable time frame or location.

Subject to and without waiving its objections, Defendant states that it provided a safe workplace and appropriate safety information to workers on its premises at all relevant times. The existence, nature and extent of the safety information known by and available to, and the precautions taken for and by, Defendant's employees and its contractors would have depended on the year when the work was performed, the type of work done, the location of the work performed, the particular contractor involved, the particular employee involved, the anticipated level of airborne particles, the terms of the contract between Defendant and the contractor, and other factors. Generally, Defendant's policies and safety measures evolved over the years along with the increase in knowledge of the risks associated with exposures to dust and asbestos and Defendant always attempted to stay abreast of pertinent information and comply with or exceed the minimum requirements for safety for all workers on its premises. Defendant held regular impromptu safety meetings where appropriate safe work practices and the potential hazards of many products and processes were discussed. However, it is impossible to state the first time any employee was warned about the hazards of asbestos exposure. See also responses to Interrogatory Nos. 10, 11, 12, 13, 15 and 16. For further response, responsive information may be obtained from documents which have been or will be produced to Plaintiff's counsel in this case and the burden of ascertaining such is substantially the same for Plaintiff as it is for Defendant.

Request for Production No. 15:

Produce all such safety policies.

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims, is not reasonably calculated to lead to the discovery of admissible evidence and it is not limited to a reasonable time frame or scope of locations. Subject to and without waiving its objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Admission No. 11:

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

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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 response to Interrogatory No. 7.

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.

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, over-reaching, seeks information that is not relevant or material to Plaintiff's claims and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited with respect to location, any relevant time period, or the specific area that Plaintiff allegedly worked.

Subject to and without waiving its objections, Defendant states that it provided a safe workplace and appropriate safety information to workers on its premises at all relevant times. Generally, Defendant's policies and safety measures evolved over the years along with the increase in knowledge of the risks associated with exposures to dust and asbestos. Defendant always attempted to stay abreast of pertinent information and comply with or exceed the minimum requirements for safety for all persons on its premises. See also responses to Interrogatory Nos. 8, 11, 12, 13, 15 and 16. For further response, responsive information may be obtained from documents which have been or will be produced to Plaintiff's counsel in this case and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant.

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

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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:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, overreaching and is not reasonably calculated to lead to the discovery of admissible evidence and because it is not limited to any reasonable scope of locations, any relevant time period, or the specific area that Plaintiff allegedly worked.

Without waiving its objections, Defendant states that, generally, Defendant's policies and safety measures have evolved over the years along with the increase in knowledge of suspected dust and asbestos inhalation hazards. The contractors hired by Defendant held themselves out to be experienced and competent contractors familiar with the work involved, the risks attendant thereto, the safety equipment necessary for the work to be performed, and the regulations and standards governing the performance of their work. Defendant's contractors also were required by contract to comply with all applicable laws and regulations relating to dust and airborne asbestos. As such, Defendant relied on those contractors to provide the requisite and appropriate guidance, safety measures and safety equipment when working with and around asbestos-containing materials. Defendant is unable at this time to provide any more reasonably detailed answer to this interrogatory, which spans several decades in time, because the existence, nature and extent of precautions taken or to be taken, and the equipment issued or to be issued, would depend upon the year when any work involving asbestos-containing materials was performed, the type of work performed, the location where the work was performed, the particular contractor or employee involved, the anticipated level of airborne particulates, the terms of the contract between Defendant and the contractor, and other factors.

Defendant can state, however, based upon information available to it at this time, since before it acquired its first plant in Texas from the United States Government in 1946, it recommended dust masks and made them available to workers on its premises who worked in dusty conditions. By no later than 1950, Defendant provided respirators approved by the U.S. Bureau of Mines and later, NIOSH, to persons working in dusty conditions. Later, Defendant further increased its safety and industrial hygiene programs and personnel along with the increased emphasis and warnings concerning dust and asbestos-containing materials. See also response to Interrogatory No. 16. Should more specific information response to this interrogatory be discovered, this answer will be supplemented in accordance with the Texas Rules of Civil Procedure. For further response, responsive information may be obtained from documents which have been or will be produced to Plaintiff's counsel in this case and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant.

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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:

Defendant objects to this request on the grounds that it is vague and ambiguous. Subject to the foregoing objections, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

Interrogatory No. 12:

State in detail what tests have been conducted with regard to the quantity, quality, or threshold limit value 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:

Defendant objects to this interrogatory on the grounds and to the extent it is overly broad, overreaching, onerous, oppressive harassing, seeks information that is not relevant to the claims or parties in this case, is not reasonably calculated to lead to the discovery of admissible evidence, and is an impermissible fishing expedition in violation of Texas law, including one or more of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 898 S.W.2d 813 (Tex. 1995), *Able Supply Co. v. Moye,* 898 S.W.2d 766 (Tex. 1996), *Dillard's Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility or any relevant time period.

Subject to and without waiving the foregoing objections, Defendant responds as follows. Dust monitoring and air sampling were conducted and laboratory analyses of air samples were performed. Industrial hygienists at Monsanto's Texas facilities and Monsanto corporate industrial hygienists would have collected the dust samples prior to the early 1970's. Samples would have been sent to outside laboratories for analysis using particle counting methods. Starting in the early 1970's, when asbestos fibers would be counted using phase-contrast light microscopy, samples were sent to Defendant's physical science center or its John F. Queeny plant for analysis. The results of the monitoring and sampling performed by or for Defendant always revealed safe and acceptable levels of airborne particles at Defendant's Texas facilities. See also response to Interrogatory No. 13. Further, to the extent the information can be ascertained from Defendant's documents in this case, Defendant refers Plaintiff to those documents pursuant to TRCP 197.2(c).

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Interrogatory No. 13:

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

Response:

Defendant objects to this interrogatory on the grounds and to the extent it is overly broad, overreaching, onerous, oppressive harassing, seeks information that is not relevant to the claims or parties in this case, is not reasonably calculated to lead to the discovery of admissible evidence, and is an impermissible fishing expedition in violation of Texas law, including one or more of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 898 S.W.2d 813 (Tex. 1995), *Able Supply Co. v. Moye,* 898 S.W.2d 766 (Tex. 1996), *Dillard's Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not limited to the plant at which Plaintiff allegedly worked or any other reasonable scope of locations, nor is it limited to time to the period when Plaintiff allegedly worked Defendant's plant or any reasonable time frame.

Subject to and without waiving the foregoing objections, Defendant responds as follows. Dust monitoring and air sampling were conducted at Defendant's Texas plants and laboratory analyses of air samples were performed. Defendant purchased a Bausch & Lomb dust counter in 1947 for the purposes of air sampling to determine working conditions at its facilities. In later years, a phase contrast microscope and an electron microscope were purchased and similar analyses were done. Air sampling, monitoring, and industrial hygiene programs increased in the later years along with the increased indications in the published literature regarding the potential health risks from long-term exposure to given levels of airborne particles, including asbestos, and the publication of governmental guidelines regarding airborne particles, including asbestos. The results of the monitoring and sampling performed always revealed safe and acceptable levels of airborne particles at Defendant's facilities. See also response to Interrogatory No. 12. Further, to the extent the information can be ascertained from Defendant's documents in this case, Defendant refers Plaintiff to those documents pursuant to TRCP 197.2(c).

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:

Defendant objects to this request on the grounds that it is overbroad and not limited to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other

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reasonable time frame, or a specific facility or area within the facility Plaintiff worked. Subject to and without waiving the foregoing objections, information responsive to this interrogatory may be contained in the documents which have been or will be produced to Plaintiff's counsel and the burden of ascertaining such is substantially the same for Plaintiff as it is for Defendant.

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:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 16:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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 objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other

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reasonable time frame, or a specific facility or area within the facility Plaintiff worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request 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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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 objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request 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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time

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frame, or a specific facility or area within the facility Plaintiff worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request 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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other

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reasonable time frame, or the specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 20:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 21:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time

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frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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:

Defendant's policies and safety measures have evolved over the years along with the increase in knowledge of suspected dust and asbestos inhalation hazards. Additionally, defendant held regular safety meetings in which workers were warned about the hazards of many substances used on Defendant's premises, including asbestos. It is impossible to specifically identify when such warnings were provided and to whom. See also responses to Interrogatories No. 8 and No. 16. Further, the requested information may be obtained from the documents which have been or will be produced to Plaintiff's counsel and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant.

Interrogatory No. 16:

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

1. state when this policy was implemented;

2. describe this policy in detail;

3. state to whom it applied (i.e. Defendant employees and contractor employees);

4. and describe what types and brand names of respirators were required by you.

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, overreaching and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to any reasonable scope of locations, any relevant time period, or the specific area that Plaintiff allegedly worked.

Without waiving its objections, Defendant states that, generally, Defendant's policies and safety measures have evolved over the years along with the increase in knowledge of suspected dust

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and asbestos inhalation hazards. The contractors hired by Defendant held themselves out to be experienced and competent contractors familiar with the work involved, the risks attendant thereto, the safety equipment necessary for the work to be performed, and the regulations and standards governing the performance of their work. Defendant's contractors also were required by contract to comply with all applicable laws and regulations relating to dust and airborne asbestos. As such, Defendant relied on those contractors to provide the requisite and appropriate guidance, safety measures and safety equipment when working with and around asbestos-containing materials. Defendant is unable at this time to provide any more reasonably detailed answer to this interrogatory, which spans several decades in time, because the existence, nature and extent of precautions taken or to be taken, and the equipment issued or to be issued, would depend upon the year when any work involving asbestos-containing materials was performed, the type of work performed, the location where the work was performed, the particular contractor or employee involved, the anticipated level of airborne particulates, the terms of the contract between Defendant and the contractor, and other factors. Defendant can state, however, based upon information available to it at this time, since before it acquired its first plant in Texas from the United States Government in 1946, it recommended dust masks and made them available to workers on its premises who worked in dusty conditions. By no later than 1950, Defendant provided respirators approved by the U.S. Bureau of Mines and later, NIOSH, to persons working in dusty conditions. Later, Defendant further increased its safety and industrial hygiene programs and personnel along with the increased emphasis and warnings concerning dust and asbestos-containing materials. See also response to Interrogatory No. 11. Additionally, responsive information may be contained in and therefore obtained from documents which have been or will be produced to Plaintiff's counsel in this case and the burden of ascertaining same is substantially the same for Plaintiff as it is for Defendant. Should more specific information responsive to this interrogatory be discovered, this answer will be supplemented in accordance with the Texas Rules of Civil Procedure.

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

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request is denied.

Request for Production No. 22:

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

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Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Admission No. 20:

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

Response:

Defendant objects to this request on the grounds that it is overbroad and not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing, this request 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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Defendant further objects to this request on the grounds that it is not limited in time to the specific period in time when Plaintiff allegedly worked at Defendant's facility or any other reasonable time frame, or a specific facility or area within the facility Plaintiff allegedly worked or any other reasonable scope of locations. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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Request for Production No. 24:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, onerous, seeks documents which are not relevant or material to the claims made by Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and is not reasonably limited to any relevant time frame or scope of locations.

Request for Admission No. 21:

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

Response:

Denied.

Request for Admission No. 22:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 25:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 26:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety

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guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 27:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 28:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 29:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

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Request for Production No. 30:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 31:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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.

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Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 32:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 33:

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

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Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 31:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 34:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 32:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to

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inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 35:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 33:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 36:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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Request for Admission No. 34:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 37:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 35:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

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Request for Production No. 38:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 36:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 39:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 37:

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

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Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 40:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 38:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 41:

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

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Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 39:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 42:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Admission No. 40:

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

Response:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny this request as phrased. Defendant does not know what work, if any, Plaintiff performed on its premises and therefore, that aspect of the request is denied. Defendant denies that it controlled the means, methods and details of any work performed by Plaintiff, or any

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other employees of independent contractors.

Request for Production No. 43:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege.

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:

Defendant objects to this interrogatory on the grounds that it is vague, confusing and overly broad. Subject to and without waiving the foregoing, the contractors hired by Defendant held themselves out to be experienced and competent contractors with employees who were qualified to perform all aspects of the work involved, familiar with the work involved, the risks attendant thereto, the safety practices, procedures and equipment necessary for the work involved, and the regulations and standards governing the performance of their work. Defendant's contractors were also required by contract to comply with all applicable laws and regulations relating to airborne particles. As such, Defendant relied on those contractors to provide Defendant and their own employees with the requisite and appropriate guidance, safety measures, safety equipment, and control of the activities of their employees when performing work on Defendant's premises. Defendant's contractors were also required to be aware and comply with plant-wide safety rules for all workers working on Defendant's premises. Defendant did have the right to stop any work which created an immediate hazard. Defendant did not have the right to control the means, methods or details of a contractor's work.

Request for Admission No. 41:

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

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Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to these objections, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable defendant to admit or deny that Plaintiff or any of his employers ever worked on Defendant's premises. Further subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 44:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege.

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:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to and without waiving these objections, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that Plaintiff ever worked on Defendant's premises. Further, defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

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Request for Production No. 45:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege.

Request for Admission No. 43:

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

Response:

Defendant objects to this request on the grounds that it is vague and unclear as to what is being asked. Subject to and without waiving these objections, Defendant states that after reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny that Plaintiff or any of his employers ever worked on Defendant's premises. Further, defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

Request for Production No. 46:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege.

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Request for Admission No. 44:

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

Response:

Admit.

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:

Admit.

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:

Admit.

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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:

Admit.

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:

Admit.

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:

Admit.

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.

Response:

Defendant objects to this request on the grounds that it is vague, overbroad and non-specific as to any particular contractor or period of time. Subject to these objections, Defendant admits that it had the power, in general terms, to manage and oversee the condition of its own plant. Defendant admits that it had the right to require independent contractors and their employees to comply with federal laws and general safety guidelines. Defendant admits that it had the general right to order work stopped or resumed, to inspect the progress of the work and to receive reports and admits that these independent contractors purported to be experts in their craft and Defendant relied on them and their employees to perform their work in a safe and efficient manner of their choosing. Defendant denies that it had the right to control the means, methods and details of the independent contractor's work.

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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege.

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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.

Response:

Defendant objects on the grounds that this interrogatory is vague. Subject to and without waiving its objections, Defendant responds as follows. Defendant has always diligently attempted to keep abreast of the published medical literature pertaining to asbestos-related diseases. This type of information, and knowledge thereof, develops gradually over time and is constantly evolving. Additionally, it is difficult, if not impossible, for any corporate entity to pinpoint when it "became aware" of any particular issue. Moreover, Defendant cannot agree with the premise that there is a causal connection between asbestos exposure and physical ailments without first knowing the details regarding the specific ailment involved, the nature, duration and intensity of any alleged exposure, as well as the medical and work history of any specific individual in whom a causal connection between asbestos exposure and such ailments is alleged. See also Response to Request for Admission No. 8. More detailed information concerning when and by what means Defendant may have become aware of asbestos-related diseases is not within the personal knowledge of Defendant, but information responsive to this request may be obtained from a review of the documents that have been or will be produced to Plaintiff's counsel in this case.

Request for Production No. 54:

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

Response:

Defendant objects to any requirement, as a result of this request, to review all of its files and employee's files and the library of publications it has and its employees may have for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, locate and produce responsive documents would be unduly burdensome, onerous, oppressive and harassing and the burden would far outweigh any reasonable probative value that any responsive documents may provide to the Plaintiffs in this case. Subject to and without waiving any of its objections, responsive documents which Defendant has assembled as a result of prior document searches have already been produced to Plaintiffs' counsel.

Request for Admission No. 51:

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

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Response:

Denied.

Request for Admission No. 52:

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

Response:

Denied.

Request for Admission No. 53:

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

Response:

Denied.

Request for Production No. 55:

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

Response:

Defendant objects to this request on the grounds and to the extent that it invades the attorney work-product exemption and attorney-client privilege. Defendant further objects to this request on the grounds that it is vague, ambiguous, overly broad, global, lacks the specificity required for a proper document request, and seeks to require the marshaling of evidence.

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:

Defendant objects to this interrogatory on the grounds that it assumes facts not in evidence in that to answer it would be an acknowledgment that Plaintiff was exposed to asbestos at Defendant's Premises and has an asbestos-related injury. Subject to the foregoing objections, see

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responses to Interrogatory Nos. 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16.

Request for Admission No. 54:

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

Response:

Defendant objects to this request on the grounds that it assumes facts not in evidence in that to answer it would be an acknowledgment that Plaintiff was exposed to asbestos at Defendant's premises and has an asbestos-related injury. For this reason, and because the information known or easily obtainable is insufficient to enable Defendant to admit or deny, Defendant can neither admit nor deny this request.

Request for Production No. 56:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Subject to and without waiving the foregoing objections, Defendant responds that based on the referenced response, this request is not applicable.

Request for Admission No. 55:

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

Response:

Denied.

Request for Admission No. 56:

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

Response:

Denied.

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Request for Production No. 57:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence, seeks and would require production of attorney work product and information protected by attorney client privilege. Subject to the foregoing objections, Defendant responds that documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Admission No. 57:

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

Response:

Denied.

Request for Production No. 58:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Production No. 59:

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

Response:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Production No. 60:

If you contend that Plaintiff is suffering from an asbestos disease as a result of exposure 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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

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:

Defendant objects to this request on the grounds that it is vague, ambiguous, overbroad, lacks the requisite specificity, seeks to require the marshaling of evidence and seeks and would require production of attorney work product and information protected by the attorney-client privilege.

Request for Production No. 63:

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

Response:

Defendant is unable to specifically identify such requested documents. However, documents containing some of the information supplied have been or will be produced to Plaintiff's counsel.

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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:

Defendant objects to this request on the grounds that it is not limited to any reasonable or relevant time frame, is overly broad, and to the extent it calls for the production of material protected from discovery under the attorney client privilege or work-product exemption. Subject to the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 65:

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

Response:

Defendant objects to this request on the grounds that it is vague and ambiguous (Defendant cannot determine what documents are being sought), is overbroad, not limited to any reasonable time period or subject matter, and to the extent it calls for production of material protected from disclosure by the attorney-client privilege and/or work-product exemption.

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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:

Defendant objects to this interrogatory on the grounds that it is unduly burdensome, oppressive, harassing, overly broad, and not reasonably limited to any relevant time frame or location.

Subject to the foregoing objections, the information sought may be ascertainable from Defendant's records which have been or will be produced to Plaintiff's counsel. There is no greater burden on the Plaintiff to obtain the information requested from those documents than it is for Defendant to do so. Additionally, due to the passage of time and the passing of former employees who may have knowledge relevant to this interrogatory, it is virtually impossible to know the individuals who received, maintained, reviewed or disseminated the information contained in such written materials or when such materials were reviewed.

Request for Production No. 66:

Produce the written materials referred to in the interrogatory above.

Response:

Defendant objects to this request on the grounds that it is unduly burdensome, oppressive, harassing, overly broad, and not reasonably limited to any relevant time frame or location. Subject to the foregoing objections, documents of the type requested have been or will be produced to Plaintiff's counsel.

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:

After reasonable inquiry, the information known or easily obtainable is insufficient to enable Defendant to admit or deny.

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Request for Admission No. 59:

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

Response:

Denied.

Request for Admission No. 60:

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

Response:

Defendant denies that any asbestos containing products are still being specified, installed or applied at Defendant's Premises and admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Although Defendant sold the facility inquired about to Sterling Chemicals in 1986, Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was probably some amount of asbestos containing material still physically present at such facility.

Request for Admission No. 61:

Admit that Defendant no longer uses asbestos on its Premises.

Response:

Defendant denies that any asbestos containing products are still being specified, installed or applied at Defendant's Premises and admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Although Defendant sold the facility inquired about to Sterling Chemicals in 1986, Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was probably some amount of asbestos containing material still physically present at such facility.

Request for Admission No. 62:

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

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Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 63:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 64:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 65:

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

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Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 66:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 67:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 68:

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

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Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 69:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 70:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 71:

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

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Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 72:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 73:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 74:

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

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Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 75:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

Request for Admission No. 76:

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

Response:

Defendant admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was most likely some amount of asbestos containing material still physically present at Defendant's Premises.

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Request for Admission No. 77:

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

Response:

Defendant objects to this request as overbroad, beyond the time frame when Plaintiff allegedly worked at Defendant's facility, and beyond the Plaintiff's own defined "years at issue", i.e. 1966-1986. Subject to and without waiving the foregoing, Defendant denies that any asbestos containing products are still being specified, installed or applied at Defendant's Premises and admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Although Defendant sold the facility inquired about to Sterling Chemicals in 1986, Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was probably some amount of asbestos containing material still physically present at such facility.

Request for Admission No. 78:

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

Response:

Defendant objects to this request as overbroad, beyond the time frame when Plaintiff allegedly worked at Defendant's facility, and beyond the Plaintiff's own defined "years at issue", i.e. 1966-1986. Subject to and without waiving the foregoing, Defendant denies that any asbestos containing products are still being specified, installed or applied at Defendant's Premises and admits that it ceased purchasing asbestos-containing insulation products for use at its facilities in 1972. Although Defendant sold the facility inquired about to Sterling Chemicals in 1986, Defendant admits that, consistent with governmental regulations and standards, as well as current industrial hygiene state of the art guidelines and principals, all recognizing that in certain instances it is most appropriate and less hazardous to keep asbestos containing materials in place in a non-friable and encapsulated state rather than to disturb it by removal, at the time inquired of there was probably some amount of asbestos containing material still physically present at such facility.

Request for Production No. 67:

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

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Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin,* 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked. Subject to the and without waiving the foregoing objections, responsive documents have been or will be produced to Plaintiff's counsel.

Request for Production No. 68:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin,* 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period. Subject to and without waiving the foregoing objections, while Defendant knows of no such documents responsive to this request within its possession, custody or control, if there were any such documents they would be contained in the documents which have been or will be produced to Plaintiff's counsel.

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.

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Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin,* 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson,* 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked. Subject to and without waiving the foregoing objections, documents responsive to this request, limited to relating to asbestos products and Texas facilities, have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is vague and ambiguous, overly broad and is not reasonably limited to any relevant time frame. Subject to and without waiving any of its objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 71:

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

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, and not reasonably limited to any relevant time frame or location. Subject to and without waiving the foregoing, responsive documents have been or will be produced.

Request for Production No. 72:

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

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Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, and not reasonably limited to any relevant time frame or location. Subject to and without waiving the foregoing, responsive documents have been or will be produced.

Request for Production No. 73:

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

Response:

Defendant objects to this interrogatory on the grounds that it is overly broad, and not reasonably limited to any relevant time frame or location. Subject to and without waiving the foregoing, responsive documents have been or will be produced.

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 Plaintiff's health.

Response:

No such documents are known to exist.

Request for Production No. 75:

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

Response:

Not applicable.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked.

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:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence and because it is not limited to any reasonable time frame or to documents that may have been posted at, issued by or at, circulated by or at, or maintained by or at Defendant's Texas facilities or Defendant's corporate headquarters to workers at Defendant's Texas facilities. Defendant further objects to any requirement, as a result of the ambiguity attendant to the term "warnings" in this request, to review the entire company files and employee's files and library of publications it has for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, gather and produce the requested documents is far greater than any reasonable probative value those documents would possess for Plaintiff in this case. Subject and limited to the foregoing, and without waiving the objections, responsive documents have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v.*

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Martin, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson,* 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked. Subject to and without waiving the foregoing, responsive documents will be produced.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin,* 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson,* 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked. Subject to and without waiving the foregoing, responsive documents will be produced.

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:

Defendant objects to this request on the grounds that it is overly broad, lacks the requisite specificity, is unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin,* 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson,* 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall,* 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson,* 937 S.W.2d 429 (Tex. 1996).

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Request for Production No. 81:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or any relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence and because it is not reasonably limited in scope to the relevant time period when Plaintiff allegedly worked at Defendant's facility, is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked or to the specific materials to which Plaintiff alleges he was exposed. Additionally, this request is duplicative of a prior request.

Request for Production No. 83:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v.*

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Martin, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or the relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence because it is not reasonably limited in scope to Defendant's Texas facilities or the relevant time period when Plaintiff allegedly worked at Defendant's facility, is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked or to the specific materials to which Plaintiff alleges he was exposed. Subject to and without waiving the foregoing objections and subject to the stated limitations, documents responsive to this request relating to Defendant's Texas facilities have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that the exclusive method of discovery concerning testifying expert witnesses is through a Rule 194 request for disclosure. *See* Rule 195.1. To the extent this request seeks information concerning consulting experts, Defendant further objects on the basis of consulting expert exemption.

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.

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Response:

Defendant objects to this request on the grounds that it lacks the requisite specificity, seeks to require the marshaling of evidence, seeks information protected by the attorney client privilege and invades the attorney work product Furthermore, this request is premature at this time; Defendant has not yet determined which, if any, documents it will use at the time of trial.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claims made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent such documents are protected by the attorney-client or work product privileges and exemptions. Without waiving its objection, however, Defendant is not aware at this time of any documents in its possession, custody or control that are responsive to this request.

Request for Production No. 88:

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

Response:

Defendant objects to this request on the grounds that it is vague, unclear, overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence and because it is not reasonably limited in scope to Defendant's Texas facilities or the relevant time period when Plaintiff allegedly worked at Defendant's facility, is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked or to the specific materials to which Plaintiff alleges he was exposed. Subject to and without waiving the foregoing objections, documents responsive to this request have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claims made by the Plaintiff

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and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, documents which may be responsive to this request, limited to relating to asbestos products, have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claims made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent such documents are protected by the attorney-client or work product privileges and exemptions. Subject to and without waiving these objections, documents which may be responsive to this request, limited to relating to asbestos products, have been or will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, seeks documents which are not relevant or material to the claim made by the Plaintiff and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing, responsive documents will be produced to Plaintiff's counsel.

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:

Defendant objects to this request on the grounds that it is overly broad, overreaching and because Defendant is a publicly traded company and the documents requested are public records and available to the general public. Defendant further objects to this request on the grounds that documents other than Defendant's 10-K forms and/or annual report for the current year would be duplicative, redundant, cumulative, overly broad, unduly burdensome, overreaching, onerous, oppressive and harassing. Subject to the foregoing objections, Defendant will produce its Annual Reports for the requested years and its most current Form 10-K.

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Request for Production No. 93:

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

Response:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996).

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:

Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, is not reasonably calculated to lead to the discovery of admissible evidence, and constitutes an impermissible fishing expedition, in violation of *Loftin v. Martin*, 776 S.W.2d 145 (Tex. 1989), *Texaco, Inc. v. Sanderson*, 829 S.W.2d 813 (Tex. 1995), *Dillard Dept. Stores, Inc. v. Hall*, 909 S.W.2d 491 (Tex. 1995), and/or *K-Mart Corp v. Sanderson*, 937 S.W.2d 429 (Tex. 1996) and because it is not reasonably limited in scope to a specific facility and/or to the types of materials to which Plaintiff was allegedly exposed or the relevant time period and is not limited to areas or units within Defendant's plant where Plaintiff allegedly worked.

Request for Production No. 95:

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

Response:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence, to the extent it concerns contracts with the contractors who did not work in Defendant's Texas facilities performing the kind of work that Plaintiff alleges could expose a worker to asbestos or in areas or units of the plant where Plaintiff did not allege to have worked; it is also not limited to contracts for work done when Plaintiff was allegedly on Defendant's Texas premises; additionally, it is not limited to any reasonable time frame or location.

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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:

Defendant objects to this request on the grounds and to the extent that it is overly broad, unduly burdensome, overreaching, oppressive, harassing, onerous, seeks documents which are not relevant or material to the claims made by the Plaintiff, and is not reasonably calculated to lead to the discovery of admissible evidence because it is not limited to documents that may have been issued by or at, circulated by or at, or maintained by or at Defendant's Texas facilities or Defendant's corporate headquarters to workers at Defendant's Texas facilities. Defendant further objects to any requirement, as a result of this request, to review the entire company files and employee's files and library of publications it has for documents responsive to this request on the grounds that such a request is onerous, oppressive and harassing and the burden on Defendant to search for, gather and produce the requested documents is far greater than the reasonable probative value those documents would possess for Plaintiffs in this case.

Request for Production No. 97:

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

Response:

Defendant objects to this request on the grounds that it is vague and lacks the required specificity for a proper discovery request, seeks material protected from discovery by the attorney work product privilege and/or the attorney-client communication privilege. Subject to and without waiving these objections, Defendant responds by stating that it has no documents relating to Plaintiff which predate this lawsuit.

Request for Production No. 98:

If you contend that you did not own or control the facility during any time period that Plaintiff worked (or believes he worked) at the facility(ies), please produce all documentation that supports your contention, including but not limited to documentation pertaining to the purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

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Response:

Defendant objects to this request on the grounds that it is vague and lacks the required specificity for a proper discovery request. Subject to and without waiving the foregoing, Defendant states that based upon Plaintiff's definition of the years at issue, this request is not applicable.

Request for Production No. 99

Produce the Kelly memo to Lambla dated 4/17/64 (Kelly Ex. 6), Exhibit 1 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 100:

Produce all the Kelly memos to plants from 1966 (Kelly Ex. 2), Exhibit 2 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 101:

Produce all memos to Kelly from the plants during 1966 (Kelly Ex. 3), Exhibit 3 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 102:

Produce the Kelly memo to Teicher dated 10/19/67 (Kelly Ex. 4), Exhibit 4 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

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Request for Production No. 103:

Produce the Kelly memo to plant managers dated 11/16/72 (Kelly Ex. 5), Exhibit 5 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 104:

Produce the Harris memo to Brasfield dated 8/8/72 (17627-28), Exhibit 6 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 105:

Produce the Harris memo to Miller dated 8/8/72 (17652), Exhibit 7 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 106:

Produce the Bradshaw letter to Hinds dated 8/8/72 (17653-54), Exhibit 8 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 107:

Produce the Produce the Tissue letters re: insulation containing asbestos dated 8/17/72 and the responses thereto, Exhibit 9 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 108:

Produce the Fax memo to Wood dated 5/14/73 (19249), Exhibit 10 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 109:

Produce the Burns letter to Mundy dated 7/19/76 (21571), Exhibit 11 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 110:

Produce the Monsanto Manual of Safe Practices - Texas City 1942-1955 (18894-18921), Exhibit 12 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 111:

Produce the Monsanto Manual of Safe Practices - Texas City 1956-1958 (18922-18955), Exhibit 13 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 112:

Produce the Monsanto Safety Guide to Accident Prevention - Texas City 1960-1963, Exhibit 14 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 113:

Produce the Monsanto Safety Guide to Accident Prevention - Texas City 1963-1967, Exhibit 15 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 114:

Produce the Monsanto Contractor's Guide to Accident Prevention - Texas City, 1967-1974, (22552-22605), Exhibit 16 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 115:

Produce the Monsanto Contractor's Guide to Accident Prevention - Texas City, 1974-1979, Exhibit 17 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 116:

Produce the Monsanto Safety - Texas City 1974-1979 (Revised 10/77), Exhibit 18 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 117:

Produce the Monsanto Non-Exempt Employee Handbook - Texas City 1974-1979, Exhibit 19 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 118:

Produce the Monsanto Plant Chemical Safety Manual - Texas City, Original Publication Feb., 1982, Exhibit 20 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 119:

Produce the Monsanto Guide to Accident Prevention - Texas City 1979-1986 (Revised Jan, 1983), Exhibit 21 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 120:

Produce the Monsanto Contractor's Guide to Accident Prevention - Texas City 1979-1986, Exhibit 22 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

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Request for Production No. 121:

Produce the Monsanto Safety Guide - Chocolate Bayou 1963-1965 (17415-17460), Exhibit 23 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 122:

Produce the Monsanto Handbook - Chocolate Bayou 1966-1970 (17391-17414), Exhibit 24 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 123:

Produce the Monsanto Safety Guide - Chocolate Bayou 1970-1972 (17297-17390), Exhibit 25 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 124:

Produce the Monsanto Safety Guide - Chocolate Bayou 1972-1985 (17250-17296), Exhibit 26 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 125:

Produce the ACGIH, *TLV Booklet - 1946*, Exhibit 37 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

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Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 126:

Produce the ACGIH, *TLV Booklet - 1950*, Exhibit 38 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 127:

Produce the ACGIH, *TLV Booklet - 1965*, Exhibit 40 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 128:

Produce the Walsh-Healey Public Contracts Act (1952), Exhibit 41 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 129:

Produce the Insulation Hygiene Progress Reports, Summer 1969, Exhibit 93 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

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Request for Production No. 130:

Produce the Insulation Hygiene Progress Reports, Fall 1970, Exhibit 99 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 131:

Produce the Insulation Hygiene Progress Reports, Winter 1970, Exhibit 100 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 132:

Produce the Insulation Hygiene Progress Reports, Spring 1971, Exhibit 101 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 133:

Produce the Insulation Hygiene Progress Reports, Fall 1971, Exhibit 103 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 134:

Produce the Insulation Hygiene Progress Reports, Spring 1972, Exhibit 105 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

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Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 135:

Produce the Insulation Hygiene Progress Reports, Summer 1972, Exhibit 106 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 136:

Produce the Insulation Hygiene Progress Reports, Spring 1973, Exhibit 109 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 137:

Produce the Insulation Hygiene Progress Reports, Summer 1973, Exhibit 110 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 138:

Produce the Insulation Hygiene Progress Reports, Winter 1973, Exhibit 112 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 139:

Produce the Insulation Hygiene Progress Reports, Spring 1974, Exhibit 113 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 140:

Produce the Insulation Hygiene Progress Reports, Summer 1974, Exhibit 114 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 141:

Produce the Insulation Hygiene Progress Reports, Winter 1974, Exhibit 116 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 142:

Produce the Insulation Hygiene Progress Reports, Summer 1975, Exhibit 118 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Request for Production No. 143:

Produce the Insulation Hygiene Progress Reports, Winter 1975, Exhibit 119 on Defendant Monsanto Company's First Amended Exhibit List filed In Re: *All Asbestos-Related Personal Injury or Death Cases Filed or to be Filed in Dallas County, Texas.*

Response:

Documents responsive to this request have been or will be produced to Plaintiff's counsel.

Union Carbide trial exhibit UC-1892: Pharmacia Corporation (f/k/a Monsanto Company) Objections and Response... Published by AsbestosClaims.Law
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CORPORATE VERIFICATION

STATE OF MISSOURI §

COUNTY OF ST. LOUIS §

Karen L. Knopf, being duly sworn, deposes and states that she is Assistant Secretary of Solutia Inc., that she verifies the foregoing answers to interrogatories contained within "DEFENDANT PHARMACIA CORPORATION'S, f/k/a MONSANTO COMPANY, OBJECTIONS AND RESPONSES TO PLAINTIFF BOBBY LLOYD GILMORE'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS" (in Cause No. 00-02975-I, *Marion Edward Gillum, et al. vs. GAF Corporation, et al.*; in the 162nd Judicial District Court of Dallas County, Texas) for and on behalf of Pharmacia Corporation, formerly known as Monsanto Company, and is duly authorized to do so; that some or all of the facts and matters set forth therein are not within the personal knowledge of the deponent; that the facts and matters set forth therein have been assembled by authorized agents of Pharmacia Corporation, formerly known as Monsanto Company; and that deponent is informed that the facts and matters set forth therein are true.

Karen L. Knopf
Assistant Secretary, Solutia Inc.

SUBSCRIBED AND SWORN TO before me on this 6th day of March, 2001.

"NOTARY SEAL"
Julia A. Fortney, Notary Public
St. Charles County, State of Missouri
My Commission Expires 6/23/2001

Julia A. Fortney
Notary Public

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TEXAS CITY

CONTRACT NO.	TYPE	DATE	CONTRACTOR	DESCRIPTION
7827	C. P.	3/12/79	Sauer Indus.	Mechanical
7818	Serv. Agr.	2/20/79	Manpower, Inc.	Office Field Personnel
7884	C. P.	10/1/79	Crescent Elec.	Electrical
7913	C. P.	1/25/80	Crescent Instr.	Instrumentatic
7920	C. P.	2/29/80	S. I. P., Inc.	Mechanical
7936	L. S.	4/22/80	Nunez Constr.	Civil & U.G. Fire Mains
7988	L. S.	1/14/81	Nunez Constr.	Control Bldg. & Warehouse
8003	L. S.	3/10/81	Nunez Constr.	Demolition
8008	L. S.	4/6/81	DeJean Constr.	Mechanical
8024	L. S.	6/25/81	Crescent Elec.	Elec. & Instr
8032	L. S.	9/3/81	Sargent Elec.	Elec. & Instr.
8037	L.S.	9/22/81	DeJean Constr.	General
8186	L. S.	5/13/83	Brooks Erection & Constr. Co.	Gen/Mech.
8215	L.S.	11/11/83	Koch Engineering	Mechanical Wor
8244	C.P.	5/18/84	Universal Corp.	Constr. Activitie
8245	L.S.	5/21/84	Continental Slip Form Builders	Piling Work
8252	L.S.	6/6/84	Scientific Design	General
8253	C.P.	6/15/84	Crescent Electric	E & I Work
8256	L.S.	6/26/84	S.I.P., Inc.	General
8264	L.S.	8/3/84	Pruitt Construction	General
8273	C.P.	8/16/84	Standard Construction	Supply of Clay
8306	L.S.	11/7/84	Don Tarpey Constr.	Earthwork
8391	L.S.	7/18/85	Geo-Con	Slurry Wall

TEXAS CITY

CONTRACT NO.	TYPE	DATE	CONTRACTOR	DESCRIPTION
7590	Lump Sum	5/14/76	Texas Gulf Construction Company	Containment Wall Work
7601	Lump Sum	7/7/76	S.I.P., Inc.	AN Raw Material Dock & Storage
7606	Lump Sum	7/28/76	Epic Instruments	Instrumentation Work
7608	LUmp Sum	8/4/76	Crescent Electric	Electrical Work
7613	Lump Sum	8/9/76	S.I.P., Inc.	Tank Shroud Work
7618	Lump Sum	9/17/76	Morrison Engineers & Constructors	Steel Erection, Piping, Etc. CEA 3168
7629	Cost Plus	10/29/76	Bellco Industrial Piping Co.	Mechanical & General
7648	Lump-sum Short Form	1/17/77	DeJean Constr. Co.	Site Preparatic Work
7661	Cost Plus	3/1/77	J. A. Jones	Construction Work
7667	Lump Sum	3/15/77	Tellepsen Constr.	Sheet Piling
7669	Lump Sum	3/21/77	Don Tarpey	Civil Work
7673	Lump Sum	3/29/77	Natkin & Co.	Mechanical
7684	Lump Sum	4/18/77	Triple H Constr.	Civil Work
7688	Lump Sum	5/19/77	Sargent Electric	E & I Work
7690	Lump Sum	6/1/77	Morrison Engr. & Constructors	Mech. & Civil
7696	Lump Sum	6/28/77	Don Tarpey Constr. Company	Earthwork
7815	Lump Sum	1/19/79	Nunez Constr. Co.	Civil & Piping

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TEXAS CITY

CONTRACT NO.	TYPE	DATE	CONTRACTOR	DESCRIPTION
7503	Lump Sum	3/31/75	Grinnell Fire Systems, Co.	Fire Protectior Work
7507	Lump Sum	4/2/75	Crescent Electric Co., Inc.	Electrical & Instrument Wo:
7519	Lump Sum	5/7/75	Union Eng. & Constr. Co.	Earthwork & Foundation Installation
7527	Short Form	6/27/75	Spinoza, Inc.	Railroad Constr. Work
7531	Lump Sum	7/18/75	Don Tarpey Constr. Company	AN Raw Matl. Dock & Storag Work
7544	Lump Sum	9/10/75	Bellco Indus. Piping Co.	Steel Erectio & Equipment Setting & Piping Work
7547	Lump Sum	9/15/75	Brand Insulation Inc.	Piping & Equi Insulation
7553	Lump Sum	10/8/75	Courtney & Co., Inc.	Tank Paintin
7554	Lump Sum	10/8/75	Automatic Sprinkler Corp. of America	Fire Protection
7556	Lump Sum	10/22/75	Crescent Elec. Co. Inc.	Elec. & Instrument Installatior
7564	Lump Sum	12/19/75	Fisk Electric Co.	Electrical Work
7569	Lump Sum	2/3/76	A & B Construction	Underground Piping
7573	Lump Sum	3/3/76	Nunez Construction Company	No. 4 Dock Extension

TEXAS CITY

CONTRACTOR NO.	TYPE	DATE	CONTRACTOR	DESCRIPTION
6879	Cost Plus	4/1/70	Tellepsen Construction Company	General
6888	Cost Plus	5/28/70	Crescent Electrical Co., Inc.	Electrical
7079	Lump Sum	3/15/72	Fisk Electric Co.	Electrical
7150	Lump Sum	10/17/72	All State Erectors, Inc.	Equipment Loading
7215	Lump Sum	5/25/73	Don Tarpey Constr.Co.	Foundations
7220	Lump Sum	6/8/73	Don Tarpey Constr.Co.	Snore Tank Foundation & Site Work
7246	Lump Sum	8/7/73	Westheimer	Setting of Reactor Vesse
7255	Lump Sum	8/31/73	Betco Constructors	Install Equip., Steel & Piping
7268	Lump Sum	10/2/73	B & B Insulation	Insul. of Equi & Piping
7271	Lump Sum	10/5/73	Fisk Electric Co.	Install. of Elec. & Instr. Work
7274	Lump Sum	10/10/73	Automatic Sprinkler Corp. of America	Install. of Fire Protectior System
7359	Lump Sum	6/4/74	Serbo Erectors & Contractors	Demoliton Work
7380	Lump Sum	7/22/74	Char. R. Haile Assoc.	Surveying Work
7381	Cost Plus	1/1/74	Crescent Elec. Co.	Electrical Wor
7433	Lump Sum	11/5/74	Don Tarpey Constr.	Concrete Work
7452	Lump Sum	9/1/74	Nunez Constr. Co.	Piling Work
7500	Lump Sum	3/12/75	Betco Constructors	Steel Erection & Equip. Settin
7502	Lump Sum	3/17/75	Nunez Construction	Paving Work

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March 9, 2001

Ms. Pat Robinson
Asbestos Court Administrator
Civil Section
George L. Allen, Sr. Courts Bldg.
600 Commerce Street
Dallas, TX 75202

Re: No. 000-29751; *Marion Edward Gillum, et al v. GAF Corporation, et al*; In the 162nd District Court of Dallas County, Texas

Dear Ms. Robinson:

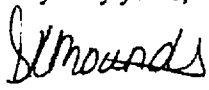
Enclosed for filing in the captioned cause please find the original and one copy of Defendant Pharmacia Corporation's, formerly known as Monsanto Company, Certificate of Filing Certain Discovery.

Please file stamp the enclosed copy of this letter and of the enclosed and return same to the undersigned in the self-addressed stamped envelope enclosed.

By copy of this letter all counsel of record are being served with the attached and with this letter.

Thank you in advance for your attention in this matter.

Very truly yours,



Diane K. Bounds

DKB\gg
Enclosure
cc: All counsel of record

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CAUSE NO. 000-29751

MARION EDWARD GILLUM, ET AL	§	IN THE DISTRICT COURT
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
GAF CORPORATION, ET AL.	§	162ND JUDICIAL DISTRICT

DEFENDANT PHARMACIA CORPORATION, F/K/A MONSANTO COMPANY'S CERTIFICATE OF FILING CERTAIN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Pharmacia Corporation, f/k/a Monsanto Company and files this Certificate of Filing of Certain Discovery in the captioned case and would show the Court that the following discovery has been served upon attorney for the Plaintiffs:

> Defendant Pharmacia Corporation, formerly known as Monsanto Company, serves its Objections and Responses to Plaintiff Bobby Lloyd Gilmore's First Set of Interrogatories, First Request for Production and First Request for Admissions

Respectfully submitted,

WOODARD, HALL & PRIMM, P.C.

By: _____

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State Bar No. 06575050
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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of March, 2001, a copy of the foregoing was sent by United States certified mail/return receipt requested and/or regular United States mail to all counsel of record.

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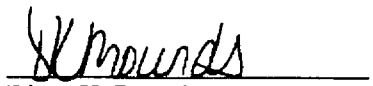
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