PLAINTIFF'S EXHIBIT

UC-1994

NO. 97-08-5722-D

MELVIN KETCHUM	§	IN THE DISTRICT COURT OF
	§	
VS.	§	CAMERON COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS CORP.,	§	
ET AL;	§	103RD JUDICIAL DISTRICT

SECOND SUPPLEMENTAL RESPONSES OF UNION CARBIDE CORPORATION TO PLAINTIFFS' SECOND SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION

COMES NOW, UNION CARBIDE CORPORATION, Defendant in the above styled and numbered case, pursuant to the Texas Rules of Civil Procedures and responds to Plaintiffs' Second Set of Interrogatories and Request for Production as follows:

GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

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

GENERAL OBJECTION NO. 2:

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

GENERAL OBJECTION NO. 3:

Union Carbide also objects to all interrogatories insofar as they would require the disclosure of information protected by the attorney-client privilege or work product doctrines.

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GENERAL OBJECTION NO. 4:

Union Carbide objects to plaintiff's interrogatories on the grounds that they are overly broad, unduly burdensome and are not reasonably limited by either time or subject matter to information that is relevant to the products, if any, at issue in this case, and on the grounds that they are not reasonably calculated to lead to the discovery of admissible evidence. Therefore, Union Carbide will confine its answers to relevant products.

GENERAL OBJECTION 5:

Union Carbide objects to these Interrogatories and Requests for production to the extent that they call for information about Union Carbide employees or premises other than the Brownsville, Texas location which is the basis of this lawsuit. Union Carbide objects to the extent that these Interrogatories and Requests for Production seek information relating to policies and employee information regarding any other Union Carbide facility or facilities as such an inquiry is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 1:

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

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory will be supplemented pursuant to Texas Rules of Civil Procedure.

Subject to its objections, Union Carbide responds as follows:

The responses to these interrogatories were prepared by counsel for Union Carbide Corporation based on information either contained in business records or provided by present and former Union Carbide employees. In particular, John L. Myers, former Product and Production Manager for asbestos (Calidria) has provided much information. Sales and other business records used to respond to these interrogatories are under the control of Ms. Dawn Stewart, Custodian of

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Records, Kelley Drye & Warren, 101 Park Avenue, 32nd Floor, New York, New York 10178.

The responses to these interrogatories were prepared by counsel for Union Carbide based upon a review of documents and information gathered from past and present employees of Union Carbide and other individuals who worked at the Brownsville, Texas facility.

INTERROGATORY NO. 2:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant's agents, having knowledge of facts relevant to this case, as well as a summary of the knowledge possessed by each individual.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same,

Other persons who may have knowledge of facts relevant to this case are...

William McManus
Ben Brown
Rita Murphy
William Calloway
Dr. Harrison Rhodes
Dr. Duane Hyde
(list of generic experts)

INTERROGATORY NO. 3:

Do you contend that Defendant and /or any predecessor of Defendant's, did not, at any time, own, operate, control, possess, or otherwise manage or occupy the premise(s) located in Brownsville, Cameron County, Texas. If you answer in the affirmative, please state the basis for this contention.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Union Carbide began to operate on the property on which its Brownsville facility was located in 1959 after extensive construction. This property was leased from the Port Authority of Brownsville. Union Carbide owned the infrastructure and improvements on the property. After the closure of the facility in 1983, the property was returned to the Port Authority of Brownsville, with the exception of 10 acres which Union Carbide purchased and maintains. Prior to 1959, Amoco operated a facility on the property owned by the Port Authority of Brownsville.

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INTERROGATORY NO. 4:

If the answer to Interrogatory No. 3 is anything other than "yes", please identify the dates wherein Defendant owned, operated, controlled, possessed and/or managed the premises, the entity from whom Defendant purchased the premises and the person most knowledge regarding this transaction.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, please refer to the answer to Interrogatory 3 herein. Union Carbide further answers that the person with the most knowledge regarding these transactions is Sam Footer, the former assistant plant manager.

INTERROGATORY NO. 5:

If the answer to Interrogatory No. 3 is anything other than in the affirmative, but Defendant contends it no longer owns, operates, controls, possesses, or manages the property, please describe the disposition of said premises. In the answer, please state the date of the property was sold or conveyed, to whom the property was sold or conveyed and the name of the person most knowledgeable regarding this transaction.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Union Carbide no longer leases the premises from the Port Authority of Brownsville. The property was returned to the Port Authority in 1983, except for a 10-acre tract which Union Carbide owns and maintains. There are no operations being conducted by Union Carbide at this location.

INTERROGATORY NO. 6:

List each employee who has acted in a medical advisory capacity to Defendant at any time, including but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER : Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the

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information sought if discovery is allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory will be supplemented pursuant to Texas Rules of Civil Procedure.

Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or confidential party communications.

Subject to and without waiving said objections, Union Carbide's Medical Department was formally organized in 1939. Prior to that, Union Carbide and Union Carbide facilities consulted physicians as appropriate upon need. The medical directors at Union Carbide have included the following individuals for the years respectively indicated below:

(1)	Girard Cranch [1938-1945]	(4)	Thomas A. Lincoln [1978-1985]
(2)	Thomas Nale [1945-1963]	(5)	T. Guy Fortney [1985-1989]
(3)	John J. Welsh [1963-1978]	(6)	Jean B. Case [1989-Present]

The present duties of Union Carbide's medical director include coordination of all of Union Carbide's medical programs, including employee physical examination programs; recommendations with respect to medical policies, standards and procedures; and administration of medical services at Union Carbide's corporate headquarters, a corporate epidemiology program, a medical program for employees traveling overseas and an alcoholism prevention and treatment program. The medical director reports to the corporate Vice President in charge of Union Carbide's Community and Employee Health, Safety and Environmental Protection Department.

In addition, Dr. Hilton Lewinsohn served as Medical Director for the Chemicals and Plastics Group. Investigation is ongoing as to his years of service.

Union Carbide and its divisions also employ and have employed Industrial Hygienists. Ronald Van Mynen currently serves as Vice President in charge of Union Carbide's Community and Employee Health, Safety and Environmental Protection Department. Dr. Harrison Rhodes supervised the dust count pr ◦ram although his years of service are being investigated. The current investigation into the facts of this case reveal that there was not a full-time industrial hygienist assigned to the Brownsville facility.

A medical department was in operation during part of the time the Brownsville facility was in existence. Ben Brown was the director of the medical department and Rita Murphy was a nurse

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employed by Union Carbide and assigned to Brownsville.

INTERROGATORY NO. 7:

Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to persons employed on Defendant's premises, including but not limited to employees of contractors engaged in the provision of services on Defendant's premises? If any, please indicate which records of such program, examination or surveillance exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or confidential party communications. Subject to said objections and without waiver of same, the best information currently available to Union Carbide indicates that Union Carbide did have a medical examination program in operation for the benefit of its employees. This program provided for annual physicals for most of the employees depending on that employee's particular job. The best evidence available to Union Carbide indicates that Union Carbide made annual physicals, including x-rays and pulmonary function tests, available to all its employees. It is unknown at this time what the exact policies and procedures were or when they were written, expanded or revised. With regard to documents, Union Carbide is in possession of numerous medical files on past Union Carbide employees which are maintained in Morrisville, Vermont. Union Carbide objects to making these available to Plaintiff because of privacy concerns on behalf of those employees and because those records are not relevant to Plaintiff since Plaintiff was not a Union Carbide employee.

With respect to Brown & Root, the best information available to Union Carbide indicates that Brown & Root did have pre-employment physicals for their employees, but it is unknown what other policies or programs they may have had in place for their employees at Union Carbide's Brownsville facility.

INTERROGATORY NO. 8:

Please state the years during which Defendant or its subsidiaries or predecessors operated a medical department at Defendant's premises and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same,

the best information available to Union Carbide indicates that Union Carbide had a medical department for a portion of the time it conducted operations at the Brownsville , Texas facility. The director of the medical department was Ben Brown, who served in that capacity for the last twelve years of the plant's operation..

INTERROGATORY NO. 9:

Please state the years during which Defendant or its predecessors or subsidiaries operated a safety department at Defendant's premises and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

ANSWER : Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, the best information available to Union Carbide indicates that Union Carbide operated a Safety Department at the Brownsville, Texas facility during the last twelve years of its operations until the close of the facility. The director of the Safety Department was Ben Brown. Before the formal existence of the Safety Department, there were numerous safety procedures in place.

INTERROGATORY NO. 10:

Please state whether Defendant has at any time provided safety equipment at the Defendant's premises for workers' protection against the inhalation of asbestos dust or fibers, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such was first provided to workers at the plant, under what circumstances such were provided, the name, address and telephone number of the person most knowledgeable concerning such provision and whether such equipment was provided to employees of contractors performing services on Defendant's premises.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, the best information available to Union Carbide indicates that there were policies regarding the usage of protective devices. Both Union Carbide and Brown & Root, who was the maintenance contractor at the plant, had safety procedures which were enforced by the respective companies for the benefit of their personnel. It is unknown at this time the exact dates when these policies were implemented and/or expanded or revised. Investigation is continuing as to the person with the most knowledge regarding these policies.

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INTERROGATORY NO. 11:

Please state whether written warnings were placed at any locations adjacent or near asbestos in place at Defendant's premises at any time. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed at Defendant's premises and indicate the specific location of each such sign and the dates and length of time such sign was placed at that location.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, upon information and belief and according to the best available information, Union Carbide believes that general warning signs were posted at various locations within the premises located at Brownsville, Texas. It is unknown to Union Carbide at this time, whether these signs were located near to asbestos in place. It is also unknown at this time the specific descriptions of these signs as well as the dates they were posted and the length of time they were posted. Investigation is continuing.

INTERROGATORY NO. 12:

Please state when Defendant's premises ceased to use asbestos-containing products, indicating the first year each type of product was no longer purchased and/or installed.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Union Carbide's knowledge concerning potential health hazards possibly associated with excessive asbestos fiber inhalation developed gradually. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. Upon the plaintiff's request, copies of such reports and memoranda, which Union Carbide has located, will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

INTERROGATORY NO. 13:

Pleas state whether asbestos products have been installed, removed or abated at any time on Defendant's premises. If so, please list each and every asbestos insulation contractor, abatement company or other contractor involved with the installation and/or removal of asbestos, including address and telephone number, dates and particular locations of such installation and/or removal.

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ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, see General Objections 4 and 5. Union Carbide objects to this Interrogatory on the ground that it is vague, non-specific, overly broad and unduly burdensome to the extent the interrogatory seeks information about each installation and use or removal of asbestos containing materials. Subject to and without waiving its objections, Union Carbide responds that it utilized asbestos-containing materials at its Brownsville facility for numerous industrial insulation purposes and these products were most likely installed at various locations throughout the plant, on several occasions through the years and these installations were performed by numerous contractors.

In addition, asbestos abatement was conducted at the Brownsville facility. Investigation is continuing as to these records.

INTERROGATORY NO. 14:

Identify by name and location each plant or manufacturing premise owned or operated by you in which asbestos products were assembled, manufactured, or fabricated.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory wil be supplemented pursuant to Texas Rules of Civil Procedure.

Subject to its objections, Union Carbide responds as follows:

Union Carbide no longer manufacturers, produces, or sells any asbestos or asbestos-containing products. According to the best information presently available to Union Carbide, the aforementioned products were manufactured at the following locations:

Prior to late 1979, Union Carbide or one of its subsidiaries produced a tree sprout inhibitor called TRE-HOLD, which was used primarily to inhibit growth on telephone poles. TRE-HOLD contained a small quantity of asbestos bound in an asphalt carrier; the asbestos in TRE-HOLD was fully encapsulated. Prior to 1976, Union Carbide manufactured Bakelite phenolics, which were molding compound resins. Bakelite phenolics were marketed by Union Carbide for use by manufacturers primarily to mold electronic parts and products such as switches, switch boxes, radios, and plug in receptacles. Most Bakelite phenolics did not contain asbestos. Bakelite was used in part, because it provides electrical insulation. The asbestos fiber in those Bakelite brands which contained it was fully encapsulated or mixed within or with other material.

Prior to August 1977, Union Carbide manufactured UDEL Polysulfone P6050, which was an asbestos-containing, high temperature, high rigidity thermoplastic molding material, used

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primarily in camera cases. The asbestos in UDEL Polysulfone P6050 was fully encapsulated.

Union Carbide formerly manufactured automotive radiator products under the names Prestone Antifreeze, Prestone Sealer Stop Leak and Prestone Heavy Duty Sealer. Asbestos ceased to be used as an additive in the antifreeze in 1971 and in the sealers in 1972. The fiber in these products was embedded within a liquid substance.

Until 1985, Union Carbide sold or leased acetylene cylinders which contained asbestos liners. The asbestos in the acetylene cylinder liners was encapsulated within liner materials and the liner materials were contained within a metal cylinder.

Union Carbide also manufactured a steel "scarfer" machine (used to remove blemishes and imperfections from steel), with parts which contained some asbestos. In the late 1950's or early 1960's, Union Carbide may also have experimented with certain asbestos-containing polyethylene and polystyrene products which would have only been sold in limited quantities on an experimental basis.

Union Carbide no longer manufactures or sells any of the above products. Union Carbide has never manufactured or distributed an asbestos-containing cement, pipe covering, cloth or the like.

From 1963 through June 30, 1985 Union Carbide mined and sold a unique short-fiber chrysotile asbestos initially as "Union Carbide Asbestos" and then under the trade name Calidria (some distributors marketed Calidria under other trade names). Calidria was sold, both directly by Union Carbide and through distributors as raw asbestos, in pelletized and fibrous form in varying grades of purity of content. Calidria was not sold to the general public or to "end users". It was sold to manufacturers for use in their products or production processes as a filler, reinforcer, opacifier, thixotrope (thickener) and the like. Calidria asbestos was not suitable for use as standard heat or frost insulation or, for instance, piping, due to its quality and composition, in particular, due to the short length of its fiber.

Calidria - King City, California; This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to Calidria asbestos as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Bakelite - Bound Brook, New Jersey; This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to Bakelite as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

UDEL Polysulfone - Marietta, Ohio or Bound Brook, New Jersey; This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to UDEL Polysulfone as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Acetylene Cylinders - Speedway, Indiana; This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to acetylene

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cylinders as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

TRE-HOLD - California or Pennsylvania (originally made by a company acquired by Union Carbide); This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to TRE-HOLD as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Automotive Radiator Products - Whiting, Indiana; Texas City, Texas; Torrence, California; or Lake River Terminal, Illinois; These products were never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to automotive radiator products as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Steel Scarfer Machine - Piscataway, New Jersey; This product was never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to the steel scarfer machine as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Polyethylene and Polystyrene Products Possible Containing Asbestos - Bound Brook, New Jersey; These products were never manufactured in any of Union Carbide's current or former facilities in the Kanawha Valley, except possibly for experimental or other limited purposes not relevant to this action (see below).

Union Carbide objects to responding further, with respect to the possible use of small quantities of asbestos in experimental laboratories or pilot plants or other minor facilities. Such information is irrelevant to this action inasmuch as the plaintiffs do not allege that they worked in or around any such facilities. Moreover, it would be unduly burdensome, if not virtually impossible, for Union Carbide to respond with respect to all such laboratory or pilot plant facilities

INTERROGATORY NO. 15:

State in detail what tests, if any, Defendant, Defendant's employees, governmental inspectors or insurance company ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products at Defendant's premises. Please state where and when these tests were conducted, and the results of any test.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or

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confidential party communications. Subject to its objections, and waiver of same, Union Carbide refers Plaintiff to its repository of asbestos-related documents which is maintained in New York. Responsive, non-privileged materials from the repository are available for inspection review and copyint at Plaintiff's expense at a mutually agreeable time.

INTERROGATORY NO. 16:

Did Defendant have a company respirator policy requiring that workers on Defendant's premises use respirators when working in dusty conditions? If so, please state when said policy became effective and please describe said policy.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, see also Union Carbide's responses to Interrogatories # 10 and # 15, including all objections set forth therein.

See answer to Interrogatory No. 10.

INTERROGATORY NO. 17:

Please describe each and every occasion when any regulatory agency or other governing body inspected the Defendant's premises for the purpose of ascertaining whether health ad safety regulations governing exposure to asbestos were being followed or adhered to, including the date of such inspection and/or meeting the results, and whether a written report was produced.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, investigation is continuing as to records which reflect inspections made by numerous state and federal governmental bodies at the Brownsville, Texas facility. These documents are not collected or maintained in such a manner which would allow Union Carbide or counsel to ascertain the purpose for each and every visit made by these regulatory agencies which was memorialized in writing.

INTERROGATORY NO. 18:

Please state the precise State and/or Federal regulations, laws, statutes, or other authority

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pertaining to industrial hygiene or worker safety and health, including internal procedures and manuals that governed, controlled and/or were applicable to asbestos exposure in your operations at the Defendant's premises.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or confidential party communications. Subject to said objections and without waiver of same, Union Carbide objects to this Interrogatory because it is outside the scope of the Texas Rules of Civil Procedure and seeks to impose upon Union Carbide the task of researching all statutes, laws, regulations, and acts of both the state and federal governments, as well as industry standards, which might have pertained to industrial hygiene and/or worker safety and health during the entire time that Union Carbide operated the Brownsville, Texas facility. Union Carbide objects further that the interrogatory seeks information regarding former operations at the Brownsville, Texas facility which are not relevant to the issues in this case and the interrogatory is therefore not reasonably calculated to lead to the discovery of admissible evidence.

Investigation is continuing as to numerous safety manuals from Brownsville, Texas. Review and an investigation is also continuing on copies of various statutes, rules or industry standards which may have been in effect during the time of the operation of Union Carbide's Brownsville facility.

INTERROGATORY NO. 19:

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 such publications.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory will be supplemented pursuant to Texas Rules of Civil Procedure.

Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or confidential party communications.

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Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to interrogatory no. 12.

Starting September 1, 1972, Union Carbide distributed Material Safety Data Sheets setting forth precautions and instructions for the proper and safe use of its Calidria product. While information has shown Calidria out to be essentially innocuous, Union Carbide has consistently provided information advising customers of the need and the ways to minimize and avoid dust inhalation.

During the early days of Union Carbide's Calidria business (which began in 1963), medical and industrial health officials at Union Carbide issued asbestos toxicology reports which were distributed to sales and other appropriate personnel. Warning labels were added to Calidria packages in 1968 and toxicological information first appeared in sales literature in that year. Material Safety Data Sheets were mailed to Calidria customers beginning in 1972. AIA/NA information pamphlets were made available to customers starting in 1972 and were mailed to customers beginning in 1977 at the latest.

The health and safety literature made available and disseminated by Union Carbide to its Calidria customers warned of possible serious adverse health effects associated with the excessive inhalation of asbestos fiber, advised customers on ways to control or avoid such hazards, including the use of respirators as a way to avoid the hazards. In addition to the dissemination of health and safety information, Union Carbide took active steps to help insure that Calidria was handled and used in a clean and safe manner and environment: Union Carbide employed shrink-wrap, tight fitting packaging to prevent leakage, spillage, or dust emission during the shipment of Calidria. Union Carbide also developed pelletized forms of Calidria which would reduce dust emission; and starting in 1972, Union Carbide offered to take dust counts of the premises of Calidria customers in order to help them maintain a safe working environment, a service which many Calidria customers utilized (Calidria was not sold to the general public or other "end-users", but rather was marketed only to manufacturers or producers who used Calidria in their products or production processes). Dr. Harrison Rhodes, an industrial hygienist, supervised Union Carbide's dust monitoring program.

Upon plaintiff's request, Union Carbide will make copies of results of such dust counts available to the plaintiff for review and duplication at a suitable time and place.

In addition, listed below are brochures and documents which have been made available by Union Carbide to Union Carbide's Calidria customers, many of which contained information on potential hazards associated with excessive asbestos exposure and information as to how to control or avoid such hazards. Since Union Carbide sold the Calidria business in 1985, the material listed below has not been in use by Union Carbide. Except where the dates are stated herein, the time of publication and the author of each item is presently unknown.

I. GENERAL

A. "Calidria" Booklet, John Crane
B. Asbestos Fibers, R. Byrne
C. Business Reply Card, John Crane
D. Rubber Booklet, John Crane
E. Grinding Asbestos Pellets, R. Byrne
F. FDA Status - Asbestos in Paper.

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G. New Additives Induce Thixotropy - Reprint of John Myers Speech.
H. New Idria Chrysotile an Unusual Ore Yields. New Products, R. Woolery
I. Cationic Asbestos for Waste Water Treatment, John Myers
J. Asbestos Products for Oil Pollution Control, John Myers
K. Zeta Potentials of Some Minerals.
L. US Patent Office - Waste and Water Treatments, R. Woolery
M. Mineralogy of the Coalinga Asbestos Deposit, Mumpton and Thompson
N. Bulk Handling Demonstration
O. Electron Micrograph Illustrations.
P. Asbestos Magazine Reprinting - John Myers - Pellets.
Q. Rubber World Reprint.
R. Suggested Primer Sealer for Masonry and Weathered Roofing, 3JG-123B.
S. Suggested Exterior White Hi-Build Flexible Coating, 3JG-124B.
T. Suggested Exterior White Insulating Roof Coating, 3JG-121B.
U. Suggested Weather-Barrier Roof Coating and Lagging Compound, E-1297.

II. RESIN GRADE PRODUCTS

A. General.
1. "Calidria" RG-144 & RG-244, John Myers
2. Use of Cowles Dissolver, R. E. Byrne
3. "Calidria" RG Products for Vinyl Plastisol Sealant Applications.
4. "Calidria" Asbestos for a High Build Dip Coating Plastisol NF-12.
5. "Calidria" RG-144 & RG-244 Asbestos in PVC Plastisols.
6. Rubber Research Elastomerics.
7. Plasticizer Viscosity Control with "Calidria" Asbestos RG-244 & RG-144.

B. RG-110 (Price Schedule).
1. Viscosity Control Agent for Asphaltic Compounds.
2. Polyester Premixes Comparative Cost & Performance Data.

C. RG144 (Price Schedule).
1. RG-144 Brochure, John Crane
2. RG-144 Performance Data, John Crane
3. RG-144 Product Characteristics.
4. RG Asbestos Improves Thixotrophic Properties of Highway Markers.
5. PVP Reprint.
6. Asbestos Beefs Up Plastics & Adhesives to Extend Their Use.

D. RG 244 (Price Schedule).
1. RG-244 Brochure, John Crane
2. RG-244 Comparative Performance Characteristics, John Crane
3. RG-244 Product Characteristics & Specifications.
4. Ultrasonic Dispersion of RG-244, B. L. Ingalls
5. RG-244 as a Thixotrope for Polyester Resins, B. L. Ingalls

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6. Polyester Putty & Patching Compounds.
7. "Epoxy Coal Tar Coatings."
8. "Chlorinated Rubber Roofing Compound", B. L. Ingalls
9. High Build Vinyl Maintenance Paints.
10. Zinc-Rich Primers.
11. Vinyl Coal Tar Formulation Suggestions.
12. Formulating Plastisol Sealants with Silane Adhesion Promoters.
13. RG-244 Health Brochure.

E. RG-600 Brochures.

1. Cost Effectiveness Optimization of Reinforced Polyolefins; 10/4/76 (Ancker & Leung).
2. RG-600 Inquiry Form, John Crane
3. Coupled Chrysotile Asbestos Reinforced Thermoplastics (Ancker).
4. RG-600 Request Form, John Crane
5. RG-600 Patent Literature - 3,939,278; December 23, 1975.
6. RG-600 Health Brochure.
7. Reinforced Polyolefins for Large Structural Foam Parts; 2/8-11/77, Michno
8. Structural Foam is Launched into an Era of Great Diversification; August 1976.

III. STANDARD GRADE PRODUCTS

A. General.

1. "Calidria" Asbestos Standard Grade Products, Typical Properties, John Myers

B. SG-100 (Price Schedule).

1. SG-100 "Calidria" Asbestos for Use in Vinyl and Asphalt Floor Coverings.
2. SG-100 Saves Up to One-Half (12) the Amount of Asbestos.
3. Flintkote Report.

C. SG-130 (Price Schedule).

D. SG-200SG200X (Price Schedule).

E. 1. SG-200SG-200X Product Characteristics.

F. 2. TJC Brochure.

3. UCAR Latex 153 for Water-Based Caulks and Sealants.
4. Typical Product Characteristics and Specifications SG-210.
5. Suggested Interior Texturing or Exterior Spackling Formulation (17-CHR-41).

IV. HIGH PURITY

A. General.

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1. Effects of Chrysotile Asbestos Additions to Cellulosic Paper - RGW.

2. "Calidria" High Purity Asbestos for Porosity Control, Pinhole Reduction, and Improvement in Two-Sidedness.

3. Properties of Asbestos Suitable for Use in Cellulosic Paper, Naumann.

4. How High Purity Asbestos is Used for Pitch Control in Papermaking, Woolery.

5. Paper Trade Journal - Asbestos Product Aids Retention, Boosts Opacity and Disperses Pitch, Ingalls.

6. "Calidria" Asbestos for Paper Coatings.

B. High Purity Open (Price Schedule for HOP & HPP).

1. Typical Product Characteristics for HPO, John Myers.

2. The Trial of Calidria HOP in New Rochelle Water Pollution Control Plant.

3. Addition Rates for HOP in Primary Waste Treatment, John Myers.

4. Suggested Dark Green Acrylic Tennis Court Topcoat E-1400.

C. High Purity Pellets.

1. Typical Product Characteristics for HPP, John Myers.

V. TITANATED PRODUCTS

A. T-135 (Price Schedule).

1. T-135 Opacifying Agent.

2. "Calidria" Asbestos T-135 for Viscosity Control & Pigmentation.

3. T-135-0 for Spray Acoustic & Texture Compounds.

4. Chemical 26 Reprint - Checking Opacity.

VI. COATING GRADES

A. CG-135 (Price Schedule).

VII. DRILLING

A. Oil and Gas Journal Reprint.

In addition, the following material, some of which is listed above in the form of brochures, articles or addresses, has been prepared:

1. "Calidria Asbestos RG-244 - An Economical Effective Thickener and Thixotrope for Polyester Resins, Plastisols, Epoxies, Phenolic Adhesives Organosols" 9/70.

2. "CALIDRIA Asbestos, Resin-Grade 144, An Effective Low Cost Thickening Agent and Thixotrope for Epoxy Resin Systems" - 7/71, John Crane.

3. "CALIDRIA Asbestos Resin-Grade - 144 and Resin-Grade 224", John Myers.

4. "CALIDRIA Asbestos, Low Cost Highly Effective Reinforcer and Filler for Rubber, Two Grades: High-Purity and T-135" - 10/70, John Crane.

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5. "CALIDRIA Asbestos, a Unique and Versatile Fiber With Proven Applications as an Extender, Thickener, Reinforcer, Opacifier" 574.

6. "New Additives Induce Thixotropy, Provide Sag and Viscosity Control," presented by John L. Myers to Western Coatings Technology Society Meetings in Denver, Los Angeles, San Francisco, Portland, Seattle, and Vancouver, in May 1969.

7. "Asbestos," by Robert E. Byrne, Jr., Area Manager, CALIDRIA Asbestos Marketing and Technology, Mining and Metals Division, Union Carbide Corporation, published March, 1972 in Modern Plastics Encyclopedia, McGraw-Hill, Inc.

8. "Calidria Asbestos Pellets" by John L. Myers, Former Product and Production Manager for Union Carbide's Calidria Operation, published October 1971 in Asbestos, reprinted by Union Carbide.

VIII. HEALTH AND SAFETY

A. General.

1. "Material Safety Data" for CALIDRIA Asbestos published September 1, 1972 and revised September 1, 1976 by Union Carbide Corporation.

2. "Chrysotile Asbestos in Plastics," presented May 14, 1974 at the 32nd annual technical conference of the Society of Plastics Engineers at San Francisco, by John L. Myers, Marketing Manager, Asbestos, Union Carbide.

3. "Handling Asbestos - Chrysotile Asbestos in Plastics," June 16, 1975, by John L. Myers, Marketing Manager Asbestos Union Carbide.

4. "Grinding CALIDRIA Asbestos Pellets," by Robert E. Byrne, Jr., Area Manager, CALIDRIA Asbestos, Marketing and Technology, Mining and Metals Division, Union Carbide Corporation.

5. Brochure "'Calidria' Asbestos Pellets Health and OSHA Information" Published November 1, 1977 by Metals Division, Union Carbide Corporation, Niagara Falls, New York.

6. "Consumer Safety in Plastics System Containing Bound Asbestos Fibers presented on November 9, 1977 at the NATEC Meeting of the Society of Plastics Engineers at Denver by Dr. Harrison B. Rhodes, Manager Marketing Services-Asbestos, Union Carbide.

7. "What You Should Know About Asbestos and Health," published by the Asbestos Information Association, disseminated by Union Carbide.

B. RG-244.

1. Brochure "'CALIDRIA' Asbestos RG-244 - Health and OSHA Information," published February 1, 1975 and revised October 1, 1977 by Marketing and Technology Department, Mining and Metals Division, Union Carbide Corporation, Niagara Falls, New York.

2. "'CALIDRIA' Asbestos RG-244 - Typical Chemical Analysis," date of publication unknown.

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IX. AIA MATERIAL

A) In addition to the above, Union Carbide made the following documents and brochures, which were prepared and published by the Asbestos Information Association, available to Calidria customers:

1. Testimony by George W. Wright, M.D. before U.S. Dept. of Labor, Occupational Safety & Health Hearing on Proposed Occupational Asbestos Standard, March 14-17, 1972.
2. Testimony by J. Corbett McDonald, M.C. - same as above.
3. OSHA Regulations - 6/7/72.
4. EPA Regulations - 4/6/73.
5. NY Times Article and Rebuttals (Article - 1/21/73, Rebuttals - 2/25/73).
6. AIA Response to the Wall Street Journal - 6/15/72.
7. "Airborne Asbestos" National Research Council, 1971.
8. "Airborne Asbestos" - Summary.
9. "Airborne Asbestos" - References.
10. Asbestos Bulletin (Asbestos Information Committee, London - 9/72).
11. CIBA GEIGY - UK 2/72.
12. QAMA Folder
13. WHO Report - 10/72
14. Target Health Hazard Fact Sheet (SILICA)
15. "Asbestos Has Its Defenders" - The Journal of Commerce, 4/20/73
16. "The Familiar Aroma of Panic" - Editorial, Plastics Technology 3/73
17. Dust Counting - S. G. Bayer, R. D. Zummalde, T. A. Brown - Feb. 1969 U.S. Dept. of Health, Education and Welfare
18. Dust Monitoring Equipment & Costs - 2/19/73
19. AIA - "Protecting The Asbestos Worker"
20. AIA - "Asbestos and Health"
21. AIA - "The Asbestos Information Association/North America"
22. AIA - "Asbestos and Health Questions and Answers"
23. AIA - "What Asbestos Is: How and Where It Is Used"
24. The Northern Miner - "Asbestos Completely Exonerated etc." - 4/19/73
25. Partnership for Prevention - "The Insulation Industry Hygiene Research Program" - 4/70
26. Asbestos - Reprint from National Safety News - 10/73
27. AIA Answer to TIME magazine - 2/1/74
28. AIA/"What Every Employee Should Know About Asbestos" -2/74
29. AIA Response to "Consumers Research" - 1/28/74
30. "Asbestos Health Question Perplexes Experts," C&EN - 12/10/73
31. Disputes on the Safety of Asbestos - New Scientist 3/7/74
32. JLM Speech (SPE Paper)

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33. RG-244 Health Booklet
34. Asbestos in the Atmosphere - AIA/NA
35. Asbestos in Water - AIA/NA
36. Asbestos & Silica Dust in the Drywall Industry. Part 1 - Nov/Dec. 1975, Dr. Rhodes.
37. Asbestos & Silica Dust in the Drywall Industry. Part 2 - Jan./Feb. 1976, Dr. Rhodes.
38. Detection of Chrysotile Asbestos in Airborne Dust from Thermosetting Resin Grinding. 1975, Faulring.
39. AIA/NA Molding & Fabrication of Asbestos-Containing Plastic Products, Work Practices
40. Instructions for Sampling of Airborne Asbestos Fibers
41. Procedure for Pump Calibration used for Monitoring of Asbestos Dust Emissions

B) The following information pamphlets were mailed to Calidria customers beginning in 1977:

1. "Calidria Asbestos SG-130 and SG-210" sales brochure (1968).
2. "Safe Use of Calidria RG244" (February 1973).
3. "Calidria Asbestos RG-600 Health and OSHA Information" (February 1, 1975).
4. "Calidria Asbestos RG 244 Health and OSHA Information" (October 1, 1977).
5. "Calidria Asbestos Pellets Health and OSHA Information" (November 1, 1977).
6. Letter to Calidria Customers with health and safety enclosures (October 24, 1977).
7. Letter to Calidria distributors with health and safety enclosures (September 10, 1979).
8. Letter to Calidria customers with health and safety enclosures (August 20, 1979).
9. Letter to Calidria Customers with health and safety enclosures (October 1, 1980).
10. Letter to Calidria Customers with health and safety enclosures (November 23, 1981).
11. Letter to Calidria Customers with health and safety enclosures (December 9, 1981).

INTERROGATORY NO.20:

Has Defendant or any of its predecessor or subsidiary companies at any time published or

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distributed any printed material, including brochures, warning signs or statements, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, identify each person responsible for having drafted or issued the warning statements and/or written materials, and the dates when each warning was first issued or distributed.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, see Union Carbide's response to Interrogatory No. 19. Union Carbide further states that during the early days of Union Carbide's Calidria business (which began in 1963), medical and industrial health officials at Union Carbide issued asbestos toxicology reports which were distributed to sales personnel and others within Union Carbide. Warning labels were added to Calidria packages in 1968 and toxicological information first appeared in sales literature in that year. Material Safety Data Sheets were mailed to Calidria customers beginning in 1972. AIA/NA information pamphlets were made available to customers starting in 1972 and were mailed to customers beginning in 1977 at the latest.

The health and safety literature made available and disseminated by Union Carbide to its customers of Calidria warned of possible serious adverse health effects associated with the excessive inhalation of asbestos fiber, advised customers on ways to control or avoid such hazards, including the use of respirators as a way to avoid the hazard. In addition to the dissemination of health and safety information, Union Carbide took active steps to help insure that Calidria was handled and used in a clean and safe manner and environment.

Union Carbide used two cautionary statements on its Calidria packaging. The first cautionary statement was used from June 22, 1968 through May 1972, and read as follows: "Warning: Breathing dust may be harmful. Do not breathe dust." The second cautionary statement was prescribed by OSHA in 1972 and was first printed on Calidria packaging in June of that year and was used by Union Carbide until the sale of the Calidria mine and mill in 1985. This second cautionary statement read as follows: "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause serious bodily harm. See also responses to Interrogatories No. 10, 11 and 19 herein.

INTERROGATORY NO.21:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos? If so, state the names of such associations and the dates during which Defendant or any of its subsidiaries or predecessors were members.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, see Union

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Carbide's answer to Interrogatory No. 12. Union Carbide states further that it was a member of the Industrial Health Foundation, the American Industrial Health Association and Asbestos Information Association/North America. Union Carbide may also have cooperated with work undertaken by the Pneumoconiosis Research Council of the United Kingdom. . The Organization Resources Recovery Organization, and the Insulation Industry Hygiene Research Program. Union Carbide or its personnel also participated in activities of the National Safety Council. Union Carbide has no presently available record of associations with any other organization listed in the interrogatory.

INTERROGATORY NO.22:

State the name, address, job title, and length of time employed of each and every individual employed at any time at any of Defendant's facilities who has made or presented a Worker's Compensation or other claim for personal injury and/or death resulting from inhalation of asbestos. In your answer also give the date of any such claims and the injury alleged.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, Union Carbide states it is diligently investigating this request and the answer is unknown at this time. Union Carbide will supplement.

INTERROGATORY NO. 23:

Does Defendant have insurance policies that might cover the claims made by Plaintiff in this case? If so, list the name of each insurance carrier and the number of each policy, the amount of layer of coverage, and the effective dates of each policy.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, see General Objection No. 4. Union Carbide objects further to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Union Carbide states that it possesses sufficient insurance coverage to enable it to cover the Plaintiff's claims.

INTERROGATORY NO.24:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including the name, address, and job classification of each such expert witness; the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion and whether any such expert has provided

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a report or other documentation to you, and if so, identify each such document or report.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, Union Carbide objects to this Interrogatory to the extent that it seeks the identity of consulting experts which is outside the scope of the Texas Rules of Civil Procedure. Union Carbide further states that it has not yet determined who its expert witnesses will be and will supplement this answer according to the Texas Rules of Civil Procedure.

INTERROGATORY NO.25:

Please state the date on which Defendant or its subsidiary or predecessor first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of this hazard.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery os allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory will be supplemented pursuant to Texas Rules of Civil Procedure.

See General Objection # 4. Union Carbide further objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

Union Carbide's knowledge concerning potential health hazards possibly associated with excessive asbestos fiber inhalation developed gradually. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic and reports or memoranda by Union Carbide employees. See Union Carbide's response to interrogatory No. 12.

INTERROGATORY NO.26:

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

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information

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sought if discovery os allowed. Subject to said objections and without waiver of same, Union Carbide objects to the extent that this interrogatory overly broad in that it seeks information regarding Union Carbide facilities other than Brownsville, Texas, where the Plaintiff worked. Subject to and without waiving its objection, Union Carbide answers as follows:

Union Carbide performed air maintenance at its Calidria mine and mill. The monitoring record reflects Union Carbide's general compliance with all applicable statutes and regulations and corrections of any abberations. Upon Plaintiff's request, Union Carbide will make copies of results available for inspection, review and copying at a mutually agreeable time and place.

With respect to the Brownsville facility, air measurements and studies were performed at the plant during the time of its operation, but it is unknown at this time whether any such tests were conducted before 1970.

INTERROGATORY NO. 27:

Do you contend that Defendant specifically warned its employees and/or other persons on Defendant's premises about the hazards of asbestos and asbestos-containing products prior to 1970s? If the answer is anything other than "no", identify each and every fact which supports this contention and identify all documents which specifically support this contention.

ANSWER: Defendant objects to this interrogatory as it is vague, overly broad, oppressive and unduly burdensome, and such burden substantially outweighs the probative value of the information sought if discovery is allowed. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-privileged and responsive information, this interrogatory will be supplemented pursuant to Texas Rules of Civil Procedure.

Further, Defendant objects to this interrogatory as it calls for the disclosure of information protected pursuant to the Texas Rules Civil Procedure and the Texas Rules of Evidence as attorney/client communication, attorney work product, and/or confidential party communications.

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REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO.1:

Produce any and all documents regarding Defendant's purchase agreement, acquisition, sale, transfer, and/or ownership of the premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-priveleged and responsive documents, this request will be supplemental in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.2:

Produce any and all documents regarding the disposition of Defendants liabilities as they relate to Defendant's ownership of the premise.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-priveleged and responsive documents, this request will be supplemental in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.3:

Produce any and all document regarding contracting services performed on Defendant premises by Brown & Root (contractors).

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide states that it possesses an extensive amount of invoices and other documentation relating to work performed by Brown & Root at the Brownsville facility during its operation. Investigation is continuing as to these invoices . Additionally, investigation is continuing as to non-privileged documents relating to work performed by Brown & Root, including asbestos abatement.

REQUEST FOR PRODUCTION NO.4:

Produce any and all documents which form the basis of Defendant's answer to Interrogatories No.3, No. 4, and No. 5.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and

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oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-priveleged and responsive documents, this request will be supplemental in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.5:

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

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters is ongoing and should Defendant discover non-priveleged and responsive documents, this request will be supplemental in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.6:

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

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide maintains in its Repository of asbestos-related documents and other documentary material. The Repository includes a myriad of documents and other material from Union Carbide's former Calidria business, from other former businesses which manufactured products which contained some asbestos, and from Union Carbide facilities which used and removed asbestos insulation and other asbestos products in accordance with the most advanced state-of-the-art industrial practices. The repository encompasses documents and material generated and received by Union Carbide employees or officials, as well as published articles collected by Carbide employees and officials. Subjects which the documents and material discuss or pertain to include, but are not limited to, the following: Union Carbide's former Calidria business; the unique physical and chemical properties of the Calidria fiber, which engender the fiber's innocuous nature; information about asbestos containing products manufactured by Union Carbide or other producers; and information about other asbestos generally, including health officials of the other asbestos. The repository should include any of the material requested by this request to the extent that it remains in Union Carbide's possession.

Union Carbide maintains a repository of documents related to asbestos in New York. Responsive documents may be located within these files and visits to this repository to review any non-privileged and responsive documents may be arranged through Union Carbide's counsel. Any responsive, non-privileged documents from the Brownsville, Texas plant will be produced, although

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none have been located at this time.

REQUEST FOR PRODUCTION NO.7:

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff to ots document repository of asbestos-rekated materials. Upon Plaintiff's request, non-privileged and responsive materials will be made available at a mutually agreeable time for review, inspection and copying at Plaintiff's expense.

REQUEST FOR PRODUCTION NO.8:

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

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide objects to this request because it is overly broad and unduly burdensome. Subject to its objections, Union Carbide states as follows:

Union Carbide has in its possession a copy of at least one edition of the newsletter published by the Insulation Industry Hygiene Research Program. In addition, Union Carbide possesses files which may contain miscellaneous correspondence to or from the AIA or other organizations.

Union Carbide maintains a repository of asbestos-related documents and materials, referred to elsewhere herein. Upon Plaintiff's request, this repository is available to Plaintiff for inspection, review and copying of responsive, non-privileged material at Plaintiff's expense at a mutually agreeable time.

REQUEST FOR PRODUCTION NO.9:

Produce any and all documents, memoranda and/or other writings which indicate and/or reflect or refer to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations pertaining to asbestos were being followed or adhered to at any of your plants, including but not limited to written reports produced by such agency

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and

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oppressive. Subject to said objections and without waiver of same, Union Carbide objects to the extent that this request is overly broad and burdensome in that it is not limited to the Brownsville, Texas facility where the Plaintiff worked. Subject to and without waiving its objections, Union Carbide states that it does not maintain its records in a manner which would reflect the purpose of each and every inspection by any regulatory agency at its plants. Union Carbide has some records of inspections and reports by various agencies pertaining to its Brownsville, Texas facility which will be produced for inspection and review. Investigation is continuing as to their location.

REQUEST FOR PRODUCTION NO.10:

Produce any and all safety meeting minutes or other documents, memoranda and/or writings that refer to the dangers of asbestos and/or safety measures to be used in the vicinity of asbestos at Defendant's premise.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide objects to this request on the grounds that it is overly broad and vague. Subject to its objections, Union Carbide states that it will produce any responsive and non-privileged documents from its Brownsville, Texas facility once located and a diligent investigation is ongoing.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos products at Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide states that it maintains numerous documents related to asbestos abatement at the Brownsville, Texas plant. Non-privileged documents related to this abatement will be produced for Plaintiff's inspection, review once these have been located.

Union Carbide states further that it at present no documents related to installation of asbestos-containing products can be located.

REQUEST FOR PRODUCTION NO.12:

Produce any and all documents, memoranda, and/or other writings 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 request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil

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Procedure.

REQUEST FOR PRODUCTION NO.13:

Any and all videotapes and/or photographs of the Plaintiff.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide has made a search of its files from the Brownsville facility and has located one photograph of the Plaintiff which will be produced. If any other photographs are located, they will be produced to Plaintiff.

REQUEST FOR PRODUCTION NO.14:

Any and all material safety data sheets for any asbestos containing product used at Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide maintains an index of Material Safety Data Sheets from its Brownsville, Texas facility which it will produce to Plaintiff upon request. Union Carbide will furnish copies at Plaintiff's expense of any Material Safety Data Sheet which Plaintiff requests.

REQUEST FOR PRODUCTION NO.15:

Produce any and all documents, memoranda and/or other writings that indicate and/or refer to in any way a decision related to ceasing the use of asbestos-containing products in any of your plants.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff to its document repository in New York. Responsive, non-privileged documents will be produced for inspection and copying at Plaintiff's expense at a mutually agreeable time.

REQUEST FOR PRODUCTION NO.16:

Produce any and all documents, memoranda and/or other writings that reflect and/or demonstrate in the form of a map and/or chart the layout of Defendant's premise, including the location and dimensions of all buildings and specifically including, but not limited to, the location and/or placement of asbestos-containing products at any time.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and Union Carbide will produce responsive documents.

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REQUEST FOR PRODUCTION NO.17:

Produce any brochures, pamphlets, catalogs, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or disseminated by you.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff to its document repository for asbestos-related documents and materials where any responsive and non-privileged items will be located and made available to Plaintiff.

REQUEST FOR PRODUCTION NO.18:

Produce any photographs of asbestos products or asbestos products being fabricated and/or utilized at Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide states that it did not produce asbestos products at the Brownsville, Texas facility and further that after a search of its records, it has not located any photographs which would be responsive to this request. If any such photographs are located, Union Carbide will produce these to Plaintiff.

REQUEST FOR PRODUCTION NO.19:

Produce any photographs of warning signs or other statements in place at any time in the vicinity of asbestos-containing products or asbestos in place at any time at Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide has conducted a search of its files and has not located any photographs which would be responsive to this request. If any such photographs are located, they will be produced to Plaintiff.

REQUEST FOR PRODUCTION NO.20:

Produce any documents indicating in any way that individuals claimed injury to their lungs as a result of exposure to asbestos at Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

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REQUEST FOR PRODUCTION NO.21:

Produce any documents, including but not limited to workers compensation claims, indicating that any individuals claimed injury as a result of exposure to asbestos products at any of your facilities and/or factories where asbestos was used.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.22:

Produce any memoranda, writings, or other documents, including but not limited to, corporate minutes, which in any way contain a discussion of the hazards or potential hazards of asbestos.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide objects to this request on the grounds that it is vague, overly broad and burdensome. Subject to these objections, Union Carbide may have responsive documents in its document repository for asbestos-related materials, which is discussed herein.

REQUEST FOR PRODUCTION NO.23:

Produce any insurance policies that might cover the claims made by Plaintiff in this case.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide objects on the grounds that this request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide possesses sufficient insurance coverage to enable it to cover the claims of the Plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Produce any brochures, pamphlets, catalogs, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or

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disseminated by you.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff to its document repository for asbestos-related documents and materials where any responsive and non-privileged items will be located and made available to Plaintiff.

REQUEST FOR PRODUCTION NO.25:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase and/or installation of asbestos-containing products at Defendant's premise.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and responsive documents will be produced to Plaintiff.

REQUEST FOR PRODUCTION NO.26:

Produce any and all records, documents, memoranda or other writings reflecting in any way any 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". This request specifically includes any and all of your plants or facilities where asbestos-containing products were used and/or in place at any time.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.27:

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 actions taken as a result of such counts or studies.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

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REQUEST FOR PRODUCTION NO.28:

Please produce any and 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 as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.29:

Produce any and all documents provided to any expert or fact witnesses as a result of the filing of this case.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

Subject to its objections, Union Carbide responds as follows: See Union Carbide's response to Interrogatory no. 2.

Union Carbide has not determined which expert or fact witnesses, if any it will use at a trial of this case.

REQUEST FOR PRODUCTION NO.30:

Produce any and all curriculum vitae and/or resumes of any of the experts and/or persons with knowledge of relevant fact that you have listed in your Answers to Interrogatories.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

Subject to its objections, Union Carbide responds as follows:

See Union Carbide's response to Interrogatory no. 2, accompanying these requests. Discovery is ongoing and, to date, Union Carbide yet has not determined which expert

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witnesses, if any, it will call at a trial of this case.

REQUEST FOR PRODUCTION NO.31:

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

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

Subject to its objections, Union Carbide responds as follows:

Union Carbide has not yet determined which experts, if any, it will use at a trial of this case. (TO FOLLOW)

REQUEST FOR PRODUCTION NO.32:

If your answer to Interrogatory No.19 is anything other than "no," please produce all books, pamphlets, memoranda and written materials which relate to your answer.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff to its document repository of asbestos-related documents which is discussed herein.

REQUEST FOR PRODUCTION NO.33:

If your answer to Interrogatory No. 20 is anything other than "no," please produce all warning statements and/or printed material which relate to your answer.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Union Carbide refers Plaintiff t its document repository for asbestos-related materials which is discussed herein.

REQUEST FOR PRODUCTION NO.34:

Produce a copy of any and all regulations, orders, Rules and/or policies which govern the safety of the Defendant's premises

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RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same,Union Carbide refers Plaintiff to its answer and objections to Interrogatory 18 herein. Union Carbide objects further to this request to the extent that these items are equally available to Plaintiff. Subject to and without waiving its objections, Union Carbide refers Plaintiff to its document repository for asbestos-related materials. Any responsive items in Union Carbide's possession will be located therein and will be available for inspection and copying.

REQUEST FOR PRODUCTION NO.35:

Produce any and all documents which contain, relate or refer to complaints regarding safety conditions and/or work place conditions at the Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and we will produce non-privileged responsive documents.

REQUEST FOR PRODUCTION NO.36:

Produce any and all documents which contain, relate or refer to complaints regarding safety conditions and/or work place conditions at the Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and we will produce non-privileged responsive documents.

REQUEST FOR PRODUCTION NO.37:

Produce any documents, organizational charts or rosters, which identify the members of the management at the Defendant's premises and their areas of responsibility.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and Union Carbide will make any responsive, non-privileged documents available.

REQUEST FOR PRODUCTION NO.38:

Produce any and 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 as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, response previously answered.

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REQUEST FOR PRODUCTION NO.39:

Produce any and all interrogatory answers, responses to requests for production and/or responses to requests for admissions filed by Defendant in any action wherein the Plaintiff was claiming an injury from exposure to asbestos or asbestos containing products.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, see General Objection No. 4. Union Carbide further objects to this request on the grounds that it is overly broad and unduly burdensome. Subject to its objections, Union Carbide states that it has responded to numerous discovery requests and upon Plaintiff's request and at his expense, Union Carbide will make available responsive materials.

REQUEST FOR PRODUCTION NO.40:

Produce any and all correspondence, memoranda, documents, and/or other communications 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 as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.41:

Produce any and all correspondence, memoranda and/or documents regarding asbestos, if any, which were provided by Defendant to contractors performing services on Defendant's premises.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and will produce any responsive, non-privileged documents.

REQUEST FOR PRODUCTION NO.42:

Any and all material safety data sheets for any asbestos-containing product used at Defendant's plant.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

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REQUEST FOR PRODUCTION NO.43:

Produce any and all deposition transcripts or trial transcripts of any witness taken in any action wherein the Plaintiff was claiming an injury from exposure to asbestos or asbestos containing products at Defendant's plant and Defendant and/or Defendant's officers and directors were a party to the litigation, either as a Defendant, cross-defendant or third party Defendant.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, Defendant states that its investigation into these matters are ongoing and should Defendant discover non-privileged and responsive documents, this request will be supplemented in accordance with the Texas Rules if Civil Procedure.

REQUEST FOR PRODUCTION NO.44:

Produce any and all safety manuals and/or safety handbooks provided to Defendant~s employees at any time.

RESPONSE: Defendant objects to this request as it is vague, overly broad, unduly burdensome, and oppressive. Subject to said objections and without waiver of same, investigation is ongoing and defendant refers plaintiff to repository.

Respectfully submitted,

DEHAY & ELLISTON, L.L.P.
NATIONSBANK PLAZA
901 Main Street, Suite 3500
Dallas, Texas 75202
(214) 210-2400/210-2500 (fax)

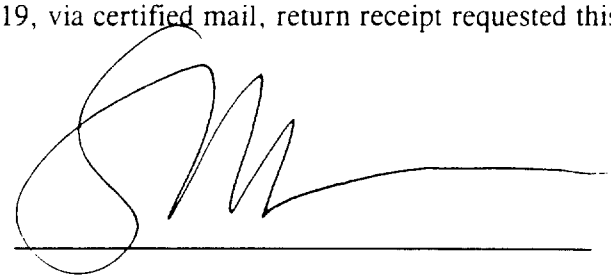
By: _____
GARY D. ELLISTON
State Bar No. 06584700

COUNSEL FOR DEFENDANTS

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been hand-delivered to counsel of record for Plaintiff herein, Ms. Alicia Haff, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, via certified mail, return receipt requested this 15 day of July, 1998.



ANTHONY S. MILLER

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