PLAINTIFF'S EXHIBIT
UC-2034

No. 00-06579-B

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| **CLARENCE FLOYD BEDNORZ, ET AL.,** | § | **DALLAS COUNTY, TEXAS** |
| | § | |
| | § | |
| | § | |
| **VS.** | § | |
| | § | |
| **GAF CORPORATION, et al,** | § | **B-44TH JUDICIAL DISTRICT** |

**DEFENDANT UNION CARBIDE CORPORATION'S ANSWERS AND OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS**

To: Plaintiff Clarence Floyd Bednorz, by and through their attorney of record Russell W. Budd, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Union Carbide Corporation, Defendant, answers the following First Set of Interrogatories, First Request for Production and First Request for Admissions.

Respectfully submitted,
DEHAY & ELLISTON, L.L.P.
Bank of America Plaza
901 Main Street, Suite 3500
Dallas, Texas 75202
(214) 210 2400/210 2500 (fax)

By: _____

BRENT M. KARREN
State Bar No. 00784371
MISTI D. MOSTELLER
State Bar No. 24012778

ATTORNEYS FOR DEFENDANT,
UNION CARBIDE CORPORATION



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## CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been forwarded to counsel of record for Plaintiff, Mr. Russell Budd, by hand delivery, Baron & Budd, P.C., 3102 Oak Lawn Avenue, The Centrum, Suite 1100, Dallas, Texas 75219 herein, via Certified Mail, Return Receipt Requested and hand delivery, and to all other counsel of record regular mail on this the 16 day of April, 2001.

**MISTI D. MOSTELLER**



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## PRELIMINARY STATEMENT

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

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

## GENERAL OBJECTIONS

### GENERAL OBJECTION NO. 1:

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

### GENERAL OBJECTION NO. 2:

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



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## OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

**DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 1:**

Union Carbide objects to the instructions and definitions supplied by Plaintiffs with regard to these Interrogatories and Requests on the grounds that the definitions are overly broad, vague and often inconsistent with the normal common usage and meaning of such words. As a result, these definitions constitute an unreasonable expansion of the Interrogatories and Requests themselves. Union Carbide has therefore responded to the interrogatories and requests in the manner consistent with the common understanding of the language used in the response and to the extent necessary to fairly and fully respond to the Interrogatories and Requests.

**DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 2:**

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

**DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 3:**

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

## PLAINTIFFS' INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION

INTERROGATORY NO. 1:

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

ANSWER:

Union Carbide Corporation objects to this Interrogatory on grounds that it is overly broad and unduly burdensome and the burden of answering this Interrogatory substantially outweighs the



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probative value of the information sought should discovery be allowed. Union Carbide Corporation further objects to this Interrogatory to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 1:

Admit that Defendant ordered, purchased or otherwise acquired asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products.

RESPONSE: Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE: Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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INTERROGATORY NO. 2:

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

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

ANSWER:

Union Carbide objects to this Interrogatory to the extent that it seeks a year-by-year listing of all the various asbestos products utilized by Union Carbide at each of its many facilities on grounds that it overly broad and unduly burdensome and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that it has not been limited to a particular plant or facility, nor has this Interrogatory been confined to the subject matter of this lawsuit and as a result this Interrogatory as drafted, constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

Union Carbide states that it is currently diligently searching for information and/or other materials pertaining to the Port Lavaca facility, which may or may not be responsive to the full breadth of this overly broad and oppressive Interrogatory. Union Carbide will make all of the responsive documentation and/or other materials which exists and can be located, available to the requesting party for inspection and review at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 2:

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

RESPONSE:

Union Carbide objects to this Request on grounds it is overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises and as such, this



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Request as drafted, constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this Request on grounds that it is vague, and the oppressive, time consuming and costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request. Subject to its objections, Union Carbide responds as follows:

It is unknown to Union Carbide at this time whether or not documents that may be responsive to the full breadth of this overly broad Request exist, and can be located through a review of the Port Lavaca business records pertaining to asbestos and asbestos containing products. Union Carbide states that any such responsive, non-privileged materials and/or other documentation which can be located, will be made available for inspection and duplication to the requesting party at a mutually agreeable time and place.

REQUEST FOR ADMISSION NO. 3:

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

RESPONSE:

Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable regarding whether or not the Plaintiff was ever actually present at the Port Lavaca facility as a contractor or what the conditions of his alleged employment, if any, may have been, is insufficient to enable the responding party to admit or deny.

INTERROGATORY NO. 3:

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

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

ANSWER:

Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. *K Mart v. Sanderson*, 937 S.W. 2d 429, 430 (Tex. 1996). Union



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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos abatement, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 3:

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

RESPONSE:

Union Carbide objects to this Request on the grounds that it is vague, overly broad, and unduly burdensome, and the costly, time consuming and oppressive nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed. Furthermore, Union Carbide objects on grounds that this Request seeks information that has not been limited in time, geographic scope or for that matter, to a particular plant or Union Carbide premises and as a result, this Request seeks information beyond the scope of discovery. Subject to and without waiving such objections, Union Carbide responds as follows:

Union Carbide is diligently searching for the existence of information that may be responsive to the full breadth of this overly broad Request and to the extent that such responsive, non-privileged materials and/or other documentation pertaining to the abatement of asbestos from the Port Lavaca facility exists and can be located, it will be made available for inspection and duplication to the requesting party at a mutually agreeable time and place.

REQUEST FOR ADMISSION NO. 4:

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



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RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No.4, contained herein.

REQUEST FOR PRODUCTION NO. 5:

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

RESPONSE:

Not applicable.

REQUEST FOR PRODUCTION NO. 6:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is over broad and has not been reasonably limited to the subject matter of this lawsuit, and as such constitutes an impermissible fishing expedition. *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, oppressive, costly nature of this burden, to the extent that responsive information exists and can be located, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:



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Union Carbide states that according to the best information currently available, it is unknown at this time whether or not information which may be responsive to the full breadth of this overly broad Request exists and can be located. Union Carbide states that any such responsive, non-privileged materials and/or other documentation pertaining to Port Lavaca which can be located, will be made available for inspection and duplication to the requesting party at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 7

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Production No. 6, including all of the objections set forth therein. In addition, Union Carbide objects to this Request on grounds that it is duplicative and repetitious. Subject thereto, Union Carbide responds as follows:

Union Carbide states that based on the best information currently available, no items have been identified which are responsive to this Request. Upon the discovery of responsive, non-privileged documentation, Union Carbide will supplement this Response.

INTERROGATORY NO. 4:

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

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

ANSWER:

Union Carbide objects to this Interrogatory to the extent that it seeks a year-by-year listing of all contractors employed by Union Carbide at each of its many facilities on grounds that it overly broad and unduly burdensome and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that it has not been limited to a particular plant or facility,



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nor has this Interrogatory been confined to the subject matter of this lawsuit and as a result this Interrogatory as drafted, constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

Over the years, the Port Lavaca facility employed various contractors to perform virtually every aspect of the plants numerous operations, and as a result Union Carbide is unable to identify every contractor which worked at the Port Lavaca facility between 1954-61. Union Carbide states that it is currently diligently searching for information and/or other materials pertaining to the Port Lavaca facility, which may or may not be responsive to the full breadth of this overly broad and oppressive Interrogatory. In addition, Union Carbide will make all of the responsive documentation and/or other materials available to the requesting party for inspection and review at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE:

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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available for inspection and copying to the requesting party at a mutually agreeable place and time.

INTERROGATORY NO. 5:

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



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ANSWER:

Union Carbide objects to this Interrogatory on grounds that it is vague and unintelligible, and as such, Union Carbide called upon to speculate as to what type of information, if any, might be responsive to this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that is overly broad and irrelevant to the extent that it seeks information which has not been reasonably limited to the subject matter of this lawsuit and as a result, this Interrogatory seeks information which is beyond the scope of discovery.

REQUEST FOR ADMISSION NO. 5:

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

RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No.5, contained herein.

INTERROGATORY NO. 6:

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

RESPONSE:

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



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undefined and as a result, calls for speculation. Subject to its objections Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 6:

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

RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has mad a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 6, contained herein.

REQUEST FOR ADMISSION NO. 7:

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



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RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 8:

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

RESPONSE:

Union Carbide objects to this Request because it is vague, undefined and unclear. Furthermore, Union Carbides knowledge concerning the health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually, and as a result, as phrased, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 11:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 8, including all of the objections set forth therein. Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 9:

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



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RESPONSE:

Union Carbide states that it can neither admit nor deny this Request, as drafted, with any degree of specificity on grounds that the information known or easily obtainable is insufficient to establish if and/or when Plaintiff worked at the Port Lavaca facility. Union Carbide is called upon to speculate as to whether or not it has enough reliable information regarding Plaintiff's work history to make a definitive statement in response to this Request.

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is argumentative, vague and assumes facts which are not in evidence. Union Carbide further objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope or for that matter to a particular plant or Union Carbide premises.

INTERROGATORY NO. 7:

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

ANSWER:

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

With regard to the time period during which asbestos-containing products were present at the Port Lavaca facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. As a result, Union Carbide is diligently attempting to conclude its own examination of the Port Lavaca business records, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Furthermore, Union Carbide's states that its knowledge concerning the health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually. Union Carbide began posting cautionary warning signs to



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advise workers of the presence of asbestos and/or asbestos containing materials and Union Carbide believes that these general cautionary warning signs were posted at various locations within the Port Lavaca facility. The specific locations of these signs and dates and length of time these signs were posted is currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the potential adverse effects associated with the excessive inhalation of asbestos fibers in an effort to actively insure that employees and contractors were advised on ways to avoid the potential harm which could result from excessive exposure to asbestos dust.

REQUEST FOR PRODUCTION NO. 13:

Produce all such warnings.

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague, overly broad and unduly burdensome, and the oppressive time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide will make all asbestos related warnings that pertain to the Port Lavaca facility available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has made a reasonably inquiry, but the information known or easily obtainable in regard to the years Plaintiff has alleged that he was present at the Port Lavaca facility, is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.



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RESPONSE:

Please refer to Union Carbide's Response to Request for Production No. 13, including all of the objections set forth therein.

INTERROGATORY NO. 8:

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

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

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

ANSWER:

Union Carbide objects to this Interrogatory on grounds that it is vague and overly broad. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably limited to a particular Union Carbide premises or facility, and as a result this Interrogatory, as drafted, constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

With regard to the time period during which asbestos-containing products were present at the Port Lavaca facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. As a result Union Carbide is diligently attempting to conclude its own examination of the Union Carbide files pertaining to the Port Lavaca facility, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Furthermore, Union Carbide's knowledge concerning health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually and at some point in time, acting in accordance with the utmost concern for the safety of its own and contractor employees, Union Carbide began posting cautionary warning signs to advise workers of the presence of asbestos and/or asbestos containing materials. Union Carbide believes that these general cautionary warning signs were posted at various locations within the Port Lavaca facility. The specific locations of these signs and dates and length of time these signs were posted is currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the most current industrial and government knowledge of the potential adverse health effects which could possibly be associated with excessive inhalation of asbestos fibers, all in an effort to actively insure that employees and contractors were well advised on ways to avoid the potential harm which could result from excessive exposure to asbestos dust. Union Carbide, as well as, the numerous amounts of contractors which



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have been present at the Port Lavaca facility over the years, utilized various safety procedures which were enforced by the respective companies for the benefit of their own employees. According to thethe best information currently available to Union Carbide, the Port Lavaca facility developed industrial hygiene and occupational health programs and policies which were implemented by Union Carbide and enforced by each of the respective contractors for the protection of all plant workers. Over the years, these policies and programs have been revised and expanded in order to accurately reflect the most current and accurate industrial knowledge. To the extent that the above referenced safety policies and procedures and/or other material can be located, they will be made available to the requesting party for inspection and copying at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 15:

Produce all such safety policies.

RESPONSE:

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

It is unknown to Union Carbide at this time whether or not documents which may be responsive to the full breadth of this overly broad Request exist, and can be located through a reasonably diligent review of the Port Lavaca business records pertaining to asbestos and plant safety. Therefore, upon the conclusion of its examination, Union Carbide will make all asbestos related safety policies pertaining to the Port Lavaca facility available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE:

Denied.



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INTERROGATORY NO. 9:

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

RESPONSE:

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

INTERROGATORY NO. 10:

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

ANSWER:

Please refer to Union Carbide's Answer to Interrogatory No. 8, including all of the objections set forth therein.

INTERROGATORY NO. 11:

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

a. when the equipment was first provided

b. to whom the equipment was provided

c. under what circumstances the equipment was provided



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

RESPONSE:

Union Carbide objects to this Interrogatory on grounds that the use of the terms "safety equipment" is vague, undefined and unintelligible, with the result being that Union Carbide is called upon to speculate as to what information, if any, might be responsive to this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that it seeks information beyond the scope of the subject matter of this lawsuit, and as drafted, this Interrogatory constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably tailored to matters which are relevant to this lawsuit. *In Re American Optical*, 988 S.W.2d 711 (Tex. 1998). Subject thereto, Union Carbide responds as follows:

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE:

Union Carbide objects to this request to the extent it seeks information in regard to the Port Lavaca facility before the time period surrounding the Plaintiff's alleged presence at the plant. Union Carbide has made reasonable inquiry and has insufficient information to either admit or deny this request with specificity with regard to the entire time period inquired about. Subject to its objections, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

INTERROGATORY NO. 12:

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



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RESPONSE:

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

INTERROGATORY NO. 13:

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

RESPONSE:

Union Carbide objects to this Interrogatory on grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Further, Union Carbide objects to the extent that this Interrogatory seeks information which has not been limited to the relevant time periods during the Plaintiff's alleged presence at the Port Lavaca facility, nor has this Interrogatory specified a particular plant or premises and as a result this Interrogatory constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Interrogatory on grounds that it seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions regarding the alleged risks and hazards associated with excessive inhalation of asbestos fiber dust and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide also objects to this Interrogatory as it calls for the disclosure of information which is protected pursuant to the Texas Rules of Civil Procedure and the Texas Rules of Evidence as attorney-client communication, attorney work product and /or confidential communications. Subject thereto, Union Carbide responds as follows:

The discovery process and Union Carbide's own investigation in regard to these matters remain on-going, and Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

INTERROGATORY NO. 14:

Please state each time any regulatory agency or other governing body has inspected the Defendant's premises to determine if health and safety regulations governing exposure to asbestos



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were being followed. Include in your response the date and results of each inspection, and state whether a written report was generated.

RESPONSE:

Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, the immense burden entailed in responding to this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. Subject to its objections, Union Carbide responds as follows:

Union Carbide is diligently searching for materials which may reflect any such inspections by numerous state and/or federal government agencies to Union Carbide's Port Lavaca facility and upon the discovery of responsive information (including, but not limited to any reports which may have been generated), Union Carbide will make said documents and/ or other materials available to Plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 13, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the

discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 14, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 15:

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



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RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No.16, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 17:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No.17, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items



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or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 18:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Port Lavaca facility is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No.18, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

INTERROGATORY NO. 15:

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



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RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 7, including all of the objections set forth therein. In addition, Union Carbide objects to this Interrogatory on grounds that it is duplicative and repetitious of numerous prior requests for information.

INTERROGATORY NO. 16:

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

a. state when this policy was implemented;

b. describe this policy in detail;

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

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

RESPONSE:

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

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR ADMISSION NO. 19:

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



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RESPONSE:

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

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Production No. 13, including all of the objections set forth therein. In addition, Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information and as such, this Request is harassing and oppressive.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague, unintelligible and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. In addition, Union Carbide objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Production No. 22, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. *Espara v. Diaz*, 802 S.W.2d 772, 775 (Tex. App.--Houston [14th Dist.] 1990, no writ). Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR ADMISSION NO. 22:

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

RESPONSE:

Union Carbide objects to the request to the extent it is vague in that the terms "power" and "control" are undefined and unclear. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE:

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

The discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered. Therefore, to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 23:

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

RESPONSE:

Union Carbide objects to this request to the extent it is vague in that the terms "managed", "use and "condition" are unclear and undefined. Union Carbide further objects to this Request to



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the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "direct", "use" and "condition" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 25:

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

RESPONSE:

Union Carbide objets to this request as vague in that the terms "power", "superintend", "use" and "conditions" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 28:

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



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RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 26:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "restrict", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and



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duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 27:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "regulate", "use" and "condition" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.



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REQUEST FOR ADMISSION NO. 28:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "govern", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 29:

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



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RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "oversee", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 30:

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

RESPONSE:

Union Carbide objects to this request to the extent it is vague in that the terms "power", "administer", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party



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to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE:

Union Carbide objects to the request to the extent it is vague in that the term "controlled" is undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 34:

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



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RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 32:

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

RESPONSE:

Union Carbide objects to the request to the extent that it is vague and that the term "managed" is undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and



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duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 33:

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

RESPONSE:

Union Carbide objects to request to the extent that it is vague and that the terms "directed", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto ,Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.



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REQUEST FOR ADMISSION NO. 34.

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

RESPONSE:

Union Carbide objects to the request to the extent that it is vague and that the terms "superintended", "use" and "conditions" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 35:

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



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RESPONSE:

Union Carbide objects to the request as vague in that the terms "restricted", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "regulated", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or



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deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "governed", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 40:

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



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RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE:

Union Carbide objects to this request as vague in that the terms "oversaw", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and



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duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE:

Union Carbide objects to the request as vague in that the terms "administered", "use and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject to and without waiving said objections, Union Carbide responds as follows:

Union Carbide states that to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Port Lavaca facility, said documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.



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REQUEST FOR ADMISSION NO. 40:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Further, Union Carbide objects to this request to the extent it is vague in that the phrase "retained some control over the manner in which Plaintiff's work was performed" is unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Defendant can neither admit or deny this Request, as it has made a reasonable inquiry, but the information known or easily obtained by Defendant is insufficient to enable the party to admit or deny. Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

INTERROGATORY NO. 17:

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



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RESPONSE:

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

In accordance with Union Carbide's understanding of this Interrogatory and assuming that the facility inquired about is the Port Lavaca facility, Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per *Koch Refining Co. v. Chapa*, 11 S.W.3d 153 (Tex. 1999).

REQUEST FOR ADMISSION NO 41:

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

RESPONSE:

Union Carbide objects to the extent the request is vague in that the phrase of retained some control over the manner in which Plaintiff's employer performed the work" is undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 44:

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



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RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 17, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE:

Union Carbide objects to this request as vague and undefined and unclear. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing. Subject thereto, Union Carbide states that it has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 43:

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

RESPONSE:

Union Carbide objects to this Request as vague, undefined and unclear. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is



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oppressive and harassing. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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



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RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 47:

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



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RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 50:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

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



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RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 53:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contention, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it has not been limited in time, scope or for that matter to a particular plant or Union Carbide premises and as such, this Request seeks the



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discovery of information beyond scope of the subject matter of this lawsuit. In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome, and the overwhelmingly oppressive, time consuming and costly nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed.

INTERROGATORY NO. 18:

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

ANSWER:

Union Carbide objects to this Interrogatory on grounds that it is overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Union Carbide further objects to this Interrogatory on grounds that it unduly burdensome and the time consuming, oppressive nature of this burden, substantially outweighs the probative value of the information sought should discovery be allowed. Subject to its objections, Union Carbide responds as follows:

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

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

REQUEST FOR PRODUCTION NO. 54:

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



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RESPONSE:

Union Carbide will make all responsive, non-privileged documents pertaining to the potential dangers that have been associated with the excessive inhalation of asbestos fibers available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 51:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 52:

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

RESPONSE:

Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information concerning the subject matter described in the above Request for Admission. Union Carbide further objects to this Request on grounds that it is vague, undefined and unintelligible. Subject thereto, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 53:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will



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supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

Union Carbide objects to this request because it is overly broad and seeks all documents relating to its contentions and not specific documents. *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998).

INTERROGATORY NO. 19:

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

ANSWER:

Union Carbide objects to this Interrogatory as argumentative and assuming facts not in evidence in that it assumes that Plaintiff was exposed to asbestos as its Premises and that he has suffered an asbestos related injury. Union Carbide further objects to this Interrogatory as drafted as ambiguous, confusing and unclear in its usage of negatives, and is vague in that it is unclear which particular Union Carbide premises is meant. Subject to its objections, Union Carbide responds as follows:

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

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

REQUEST FOR ADMISSION NO. 54:

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



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RESPONSE:

Union Carbide objects to this request on grounds that it calls for speculation and is argumentative in that it assumes that Plaintiff was exposed to asbestos at the Defendant's Premises, much less that he was actually ever even present on Defendant's premises and, in addition, that he has even suffered an asbestos related injury. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 56:

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

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 19, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 55:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 56:

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



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RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

Union Carbide objects to this request to the extent it is argumentative and assumes facts which are not in evidence. Specifically, this Request assumes that there was a risk of harm posed to Plaintiff, and that Union Carbide failed to reduce or eliminate such risk, and as a result Plaintiff suffered an asbestos related injury. Subject thereto, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 58:

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



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RESPONSE:

Union Carbide objects to this request because it does not seek specific documents and rather seeks any and all documents supporting its contentions and thus, is overly broad. *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998).

REQUEST FOR PRODUCTION NO. 59:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 60:

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

RESPONSE:

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

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



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REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

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

Union Carbide states that it has no knowledge or information concerning, the Plaintiff, amongst other factors, to enable it to make such a contention at this time. Union Carbide has insufficient information to determine whether the Plaintiff suffers from an asbestos related disease and, to the extent that documentation exists, Union Carbide will make any and all responsive documents within its possession available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE:

Union Carbide objects to this request for production to the extent it contains an interrogatory and is not a true Request for Production. Union Carbide objects further to this request because it does not seek specific documents but all documents supporting a contention. Union Carbide objects further to the extent the request assumes Plaintiff has suffered an asbestos related injury and that he worked at Union Carbide's Premises. Union Carbide further objects to the extent this request is over broad and not reasonably limited to the subject matter of the lawsuit and as such constitutes an impermissible fishing expedition. *K-Mart Corp. v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996). In addition, Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:



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

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is unduly burdensome and overly broad and does not seek specific items or categories of documents. *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998).

REQUEST FOR PRODUCTION NO. 64:

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

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

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

RESPONSE:

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



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REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE:

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

INTERROGATORY NO. 20:

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

ANSWER:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to the dangers of asbestos, and to the extent that documentation and/or other materials containing information pertinent to the full breadth of this Interrogatory are discovered, said documents and/or materials will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time. Additionally, if Union Carbide has access to information relating to who received, maintained, reviewed or disseminated such materials, it will be reflected on those documents.

REQUEST FOR PRODUCTION NO. 66:

Produce the written materials referred to in the interrogatory above.



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RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 20, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 58:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 59:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.



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RESPONSE:

Union Carbide objects to this Request on grounds that the use of the term "uses" is vague and undefined. Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 62:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in place" as being vague, unclear and undefined. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 63:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term "in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 64:

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



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RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the tem "in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 65:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 66:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR ADMISSION NO. 67:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 68:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 69:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this



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Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 70:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 71:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 72:

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



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RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 73:

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

RESPONSE:

Union Carbide objects to this request as it is over broad. This request is not limited to the Port Lavaca facility where Plaintiff has alleged exposure. Union Carbide further objects to the term"in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 74:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request to the extent that it is overly broad and not limited to the subject matter of this lawsuit and the relevant years at issue. Subject thereto, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.



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REQUEST FOR ADMISSION NO. 75:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request to the extent that it is overly broad and not limited to the subject matter of this lawsuit and the relevant years at issue. Subject thereto, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 76:

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

RESPONSE:

Union Carbide objects to this request as it is vague, overly broad and unduly burdensome. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant information. As drafted, this Request has not been confined to the Port Lavaca facility where Plaintiff has alleged exposure or for that matter the relevant years at issue and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 77:

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



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RESPONSE:

Union Carbide objects to this request as it is vague, overly broad and unduly burdensome. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant information. As drafted, this Request has not been confined to the Port Lavaca facility where Plaintiff has alleged exposure or for that matter the relevant years at issue and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR ADMISSION NO. 78:

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

RESPONSE:

Union Carbide objects to this request as it is vague, overly broad and unduly burdensome. Union Carbide further objects to this Request to the extent that it seeks discovery of information which is not reasonably calculated to lead to the discovery of relevant information. As drafted, this Request has not been confined to the Port Lavaca facility where Plaintiff has alleged exposure or for that matter the relevant years at issue and as such it seeks information which is beyond the scope of the subject matter made the alleged basis for this lawsuit. Union Carbide further objects to the term "in place" as being vague, unclear and undefined. In addition, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to these objections, Union Carbide has made reasonable inquiry but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, Defendant will supplement this Response when information becomes available that will enable Defendant to either admit or deny this Request.

REQUEST FOR PRODUCTION NO. 67:

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



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RESPONSE:

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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be made available to the Plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE:

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 14, including all of the objections set forth therein. In addition, Union Carbide objects to this Interrogatory on grounds that it is extremely duplicative and repetitious of countless prior requests for information, and as a result, this Interrogatory, as phrased in inherently oppressive and harassing.



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REQUEST FOR PRODUCTION NO. 70:

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

RESPONSE:

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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to the dangers of asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered, said documents and/or materials will be made available to the requesting party for duplication and copying at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.



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REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it has not been reasonably limited in time, scope or for that matter to a particular facility or Union Carbide premises, and as such, this Request is overly broad. Union Carbide further objects to this Request on grounds that it does not specify with reasonable particularity the types of documents sought to be discovered and as a result, Union Carbide is called upon to speculate as to what type of information might be responsive to the full breadth of this overly broad Request. Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises and as such, this Request constitutes an impermissible fishing expedition. *K-Mart v. Sanderson*, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises. This request specifically includes any and all x rays, x ray reports,



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medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiff's health.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it has not been reasonably limited in time, scope or for that matter to a particular facility or Union Carbide premises, and as such, this Request is overly broad. Union Carbide further objects to this Request on grounds that it does not specify with reasonable particularity the types of documents sought to be discovered and as a result, Union Carbide is called upon to speculate as to what type of information might be responsive to the full breadth of this overly broad Request. Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make available for inspection and duplication to the requesting party at a mutually agreeable place and time.



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REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is extremely duplicative and repetitious of numerous prior requests for information and as such this Request is harassing and inherently oppressive. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Answer to Interrogatory No. 7, including all of the objections contained therein.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it has not been reasonably limited in time, scope or for that matter to a particular facility or Union Carbide premises, and as such, this Request is overly broad. Union Carbide further objects to this Request on grounds that it does not specify with reasonable particularity the types of documents sought to be discovered and as a result, Union Carbide is called upon to speculate as to what type of information might be responsive to the full breadth of this overly broad Request. Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 79:

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



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RESPONSE:

Union Carbide objects to this Request on grounds that it is extremely duplicative and repetitious of numerous prior requests for information and as such this Request is harassing and inherently oppressive. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Answer to Interrogatory No. 7, including all of the objections contained therein.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE:

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

Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make



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available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE:

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

Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, much less limited to the subject matter of this lawsuit and as such, seeks information which is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that the use of the terms "dust counts" is vague, ambiguous and undefined and as a result Union Carbide is called upon to speculate as to what information, if any, might be responsive to the full breadth of this overly broad request. Subject thereto, Union Carbide responds as follows:



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Union Carbide is diligently attempting to conclude its examination of the Port Lavaca business records pertaining to the asbestos, and to the extent that responsive and non-privileged documentation and/or other materials containing information pertinent to the full breadth of this Request are discovered from the Port Lavaca plant, said documents and/or materials will be make available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Production No. 83, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE:

To the extent that such documents exist, they will be made available for inspection and duplication to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE:

Union Carbide objects to this request because it is inappropriate. *Texas Tech Univ. Health Sciences Car. v. Schooled*, 828 S.W.2d 502, 504 (Tex. App.--El Paso 1992, orig. proceeding). Union



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Carbide further objects to this request for any documents supporting its allegations and contentions as over broad. *In re American Optical Corp.*, 988 S.W.2d 711 (Tex. 1998).

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE:

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



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REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE:

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

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE:

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE:

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



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REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE:

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

Union Carbide will supplement its Response to this Request if any non-privileged responsive information is discovered.

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague, overly broad, and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this oppressive burden substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE:

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



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REQUEST FOR PRODUCTION NO. 96:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is duplicative and repetitious of countless prior requests for information, and as such, this Request is inherently harassing and oppressive. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Answer to Interrogatory No. 17, contained herein.

REQUEST FOR PRODUCTION NO. 97:

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

RESPONSE:

Union Carbide objects to this request to the extent such materials are equally available to Plaintiff. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR PRODUCTION NO 98:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague, overly broad, and is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of



*Union Carbide trial exhibit UC-2034: Union Carbide's Answers and Objections to Bednorz's First Interrogatories, R...* Published by AsbestosClaims.Law

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this oppressive burden substantially outweighs the probative value of the information sought should discovery be allowed.



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