PLAINTIFF'S EXHIBIT

UC-2038

LEROY A. BOEHL; LUTHER EARL GARTMAN; JUAN VASQUEZ; JULIUS M. HONEYCUTT; GEORGE PENA; JOHN D. PUGH, JR.; JESSE RODRIGUEZ, JR.; HOWARD C. SHULTS; CHARLES MERLIN TUNNELL; and JIMMY EDWARD WILLEY, Plaintiffs, VS. OWENS CORNING (a/k/a OWENS CORNING CORPORATION), et al., Defendants.	§	IN THE DISTRICT COURT DALLAS COUNTY, TEXAS 192ND JUDICIAL DISTRICT

DEFENDANT, UNION CARBIDE CORPORATION'S RESPONSES TO PLAINTIFF, GEORGE PENA'S FIRST SET OF INTERRROGATORIES, FIRST REQUEST FOR PRODUCTION AND FIRST REQUEST FOR ADMISSIONS

TO: Plaintiff, George Pena, by an through his attorney of record, Russel Budd, Baron & Budd, The Centrum, 3102 Oak Lawn Ave., 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
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ATTORNEYS FOR DEFENDANT,
UNION CARBIDE CORPORATION

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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. Moreover, 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

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continuing and Union Carbide reserves the right to supplement these answers when its investigation is complete.

GENERAL OBJECTION NO. 3:

Union Carbide generally objects to this discovery in its entirety on grounds that Plaintiffs have repeatedly requested information pertaining to the operations performed at the Seadrift facility during the "so-called" relevant years at issue, e.g. 1948-86, despite the fact that Union Carbide's Seadrift facility was not even constructed until 1954. Therefore, Union Carbide states that its answers and responses contained herein, will at a minimum, be limited to the years following the facilities construction in 1954.

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 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 "Defendants Premises" as defined because it renders the Interrogatories and Requests over broad and not reasonably limited to matters which are relevant to the subject matter of this lawsuit or to the discovery of matters which are reasonably calculated to lead to the discovery of admissible evidence. Because Union Carbide has over the years, owned or operated a variety of locations and premises, and because it appears based on Plaintiff's Exhibit "B" (George Pena's Work History) that Plaintiff's claims against Union Carbide have arisen from his

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presence at the Union Carbide Seadrift facility, Defendant Union Carbide's answers contained herein pertain solely to Union Carbide's Seadrift facility.

PLAINTIFF GEORGE PENA'S INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION

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

RESPONSE:

Union Carbide Corporation objects to this Interrogatory on grounds that it is overly broad and unduly burdensome and the burden of answering this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide Corporation further objects to this Interrogatory to the extent that it seeks 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 Seadrift facility business records, deposition testimony, 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: Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

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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 between the years 1948 and 1986.

RESPONSE:

Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was present at Union Carbide's Seadrift facility. Therefore, subject to its objections, this Request is admitted as to the alleged years in which, according to the Plaintiff's work history, Plaintiff was present at Union Carbide's Seadrift facility.

INTERROGATORY NO. 2:

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

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

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 the Seadrift facility on grounds that it is 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 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

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materials pertaining to the Seadrift 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 exist 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, 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 review of the Seadrift 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 employed by Defendant, it was foreseeable that asbestos-containing products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE:

Defendant can neither admit nor deny this request with specificity because Defendant has made a reasonable inquiry, but the information known or easily obtainable regarding whether or not the Plaintiff was ever actually present at the Seadrift 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

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admit or deny. Subject to its objections, it is admitted.

INTERROGATORY NO. 3:

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

a. If so, list each person or company that performed such abatement services (including address and telephone number)

b. State the dates and locations of each abatement procedure;

c. State which asbestos-containing products were abated.

ANSWER:

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

Over the years, Union Carbide has conducted extensive abatement activities at the Seadrift facility. The services of various independent contractors, such as Brown & Root and Service Abatement Company, have been utilized during the on-going performance of asbestos abatement. Further, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remains on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 overly broad Request are discovered, said documents and/or materials will be made available for inspection and duplication by 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:

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Please refer to Union Carbide's Answer to Interrogatory No. 3, including all of the objections set forth therein. In addition 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, which has not been limited in time or geographic scope, 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 which 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 Seadrift 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.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE:

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.

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RESPONSE:

Union Carbide states that according to the best information currently available, Defendant has made a reasonable inquiry but has been unsuccessful in its efforts to ascertain whether or not Plaintiff was actually ever present on the premises of the Seadrift facility. Therefore, at this time Defendant states that no items have been identified, after a diligent search, that are responsive to this Request.

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1948 and 1986, including but not limited to sign-in-logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE:

Union Carbide objects to this request to the extent 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 or scope and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. 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 remains on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift Facility 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.

REQUEST FOR PRODUCTION NO. 7:

Produce all records pertaining to the methods and manner of identification of individuals entering and/or leaving your facilities, between the years 1948 and 1986, including but not limited to fingerprinting or other methods of identifying contractor employees at your premises, and

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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.

Identify the contractors who worked on your premises between the years 1948 and 1986 and for each, state:

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

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 the Seadrift facility 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). In addition, Union Carbide objects to this Interrogatory on grounds that it calls for speculation to the extent that the information pertaining to the Seadrift facility prior to its 1954 construction, is not reasonably available and does not exist and as such, Union Carbide will be unable to comply with this Interrogatory to the extent that it seeks information regarding the contractors which worked at the Seadrift facility before it was even constructed. Subject thereto, Union Carbide responds as follows:

Over the years, the Seadrift 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 Seadrift facility between 1948-86. Union Carbide's Seadrift facility was not even constructed until 1954. Therefore, Union Carbide states that it is currently diligently searching for information and/or other materials pertaining to the Seadrift 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.

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REQUEST FOR PRODUCTION NO. 8:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1948 and 1986, 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 or scope and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. In addition, Union Carbide objects to this Request on grounds that it calls for speculation to the extent that the information pertaining to the Seadrift facility prior to its 1954 construction, is not reasonably available and does not exist and as such, Union Carbide will be unable to comply with this Request to the extent that it seeks information regarding the contractors which worked at the Seadrift facility before it was even constructed. 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 Seadrift Facility 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 between the years 1948 and 1986.

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

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

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 to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 5, contained herein. In addition, Union Carbide objects to this Request on grounds that it lacks specificity and calls for speculation.

INTERROGATORY NO. 6:

Do you contend that Plaintiff was not exposed to asbestos while working at the Defendant's Premise(s) in Corpus Christi, Texas? 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, undefined and as a result, calls for speculation. Subject to its objections Union Carbide responds

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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 Seadrift 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 Seadrift 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 made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 6, contained herein. In addition, Union Carbide objects to this Request on grounds that it lacks specificity and calls for speculation. Union Carbide further objects to this Request on grounds that it is duplicative and repetitious.

REQUEST FOR ADMISSION NO. 7:

Admit that Plaintiff worked on and/or around Defendant's Premises in areas where

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asbestos-containing products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE:

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

REQUEST FOR ADMISSION NO. 8:

Admit that in 1948 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 for Admission in its entirety on grounds that the use of the terms "aware," and "potential heath hazard" are vague, unclear and undefined, and as such, this Request for Admission calls for speculation. Subject to its objections, Union Carbide responds as follows:

Defendant can neither admit nor deny this Request with specificity because a reasonably inquiry has been made, but the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, 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:

Union Carbide objects to this Request on grounds that it overly broad and unduly burdensome, and the time consuming, oppressive nature of this burden, to the extent that responsive documentation and/or other materials exist, substantially outweighs the probative value of the information sought should this discovery be allowed. In addition, Union Carbide objects to this Request on grounds that it has not been reasonably tailored to the subject matter of this lawsuit, or for that matter to the time period during which Plaintiff has alleged he was present at the Seadrift facility. Furthermore, Union Carbide objects to this Request on grounds that it seeks the discovery

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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. 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 that Plaintiff was working on Defendant's Premises.

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 Seadrift 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. Subject to its objections, Union Carbide states that it was generally aware of the presence of asbestos containing products at the Seadrift facility.

REQUEST FOR PRODUCTION NO 12:

Produce any and all photographs or video-graphic 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 overly broad in that it has not been reasonably limited in time, scope or for that matter to a particular plant or Union Carbide premises. Furthermore, Union Carbide objects to this Request on grounds that it has not been reasonably tailored to the subject matter of this lawsuit and as such this Request, as drafted, constitutes an impermissible fishing expedition. In Re American Optical, 988 S.W.2d 711, 713 (Tex. 1998).

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.

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ANSWER:

Union Carbide objects to this Interrogatory as it has not been reasonably limited in time or scope, nor has this Interrogatory been reasonably limited to the Seadrift 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 Seadrift 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 Seadrift 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 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 Seadrift 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 states that its investigation in this matter remains on going. Upon the conclusion of its examination of the documents and/or other materials pertaining to asbestos, Union Carbide will make all responsive asbestos related warnings which pertain to the Seadrift facility available to the requesting party for inspection and duplication at a mutually agreeable place and time.

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REQUEST FOR ADMISSION NO. 10:

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

RESPONSE:

Defendant can neither admit nor deny this Request with specificity because Defendant has made a reasonable inquiry but the information known or easily obtainable in regard to the years in which Plaintiff has alleged he was present at the Seadrift facility, is insufficient to enable the responding party to admit or deny. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 14:

If you deny the foregoing, produce all such warnings.

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 job-sites where Defendant's employees were performing services in your answer, please state

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

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. In addition, Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome, and the time consuming, oppressive nature of this burden, substantially outweighs the probative value of the information sought should discovery be allowed. 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:

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With regard to the time period during which asbestos-containing products were present at the Seadrift 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 Seadrift 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 Seadrift 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 both Carbide 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 have been present at the Seadrift facility over the years, utilized various safety procedures which were enforced by the respective companies for the benefit of their own employees. According to the best information currently available to Union Carbide, the Seadrift 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 that 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 unduly burdensome, and the oppressive, time consuming and costly nature of this burden of production, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Request. Union

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Carbide objects to this Request on grounds that it does not describe with any degree of reasonable particularity the items sought to be discovered and as such calls for speculation. 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 Seadrift 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 Seadrift 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.

INTERROGATORY NO. 9:

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

RESPONSE:

Union Carbide objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information. Additionally, Union Carbide objects to this Interrogatory on grounds 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 Seadrift 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

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

a. when the equipment was first provided

b. to whom the equipment was provided

c. under what circumstances the equipment was provided

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

RESPONSE:

Union Carbide objects to this Interrogatory on grounds that 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 states that according to the best information which is available the Union Carbide Seadrift facility provided safety equipment to its employees for protection and maintained several safety policies in regard to the usage of protective devices. Further, both Union Carbide and all of the various contractors at the plant, utilized safety procedures which were enforced by the respective companies for the benefit of their personnel. At this time, it is unknown the exact dates when theses policies were implemented and/or expanded or revised.

Union Carbide states that regarding individuals who have worked in a safety capacity for the

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Seadrift plant, certain people have been key personnel in the area of safety at the plant through the years and their positions and departments have been subsequently modified and as a result, Union Carbide may not be able to provide the names, years of service and exact positions for these employees. Therefore, according to the best information available, the following past and current Union Carbide employees have been identified to the extent that they have acted in some capacity in the area of safety: Larry McMullen, Jack Dermott, Don Deese, Jim Sledge, Tom Brooks, Curtis Hintz, Anna Riveir, Fred Berger, Jose Robles, Larry Kneble, Ernest Hernandez, Rodney Howell, Cal Jones and Rhonda Woods.

REQUEST FOR ADMISSION NO. 12:

Admit that Defendant did not continuously provide facemasks to contract employees working with or around asbestos from 1948-1986 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 Seadrift facility before the time period surrounding the Plaintiff's alleged presence at the plant and before the years during which the Seadrift facility was even constructed, much less in actual operation. Subject to its objections, Union Carbide responds as follows:

Union Carbide admits that in general, according to the best information available, contractors that worked at the Seadrift facility during the relevant time periods at issue, were obligated to provide safety equipment to their own employees in a manner consistent with Federal, State and plant guidelines. The imposition and the acceptance of this obligation, on the part of the contractors, to adhere to the applicable safety guidelines was considered a condition precedent to Union Carbide's decision to accept any of the various contractors proposals or bids which had been submitted for consideration. Therefore, as explicitly qualified above, this request is admitted.

INTERROGATORY NO. 12:

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

ANSWER:

Union Carbide objects to this Interrogatory on grounds that it is overly broad and has not

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been confined 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 states that over the years, the Industrial Hygiene department at the Seadrift facility performed numerous tests and surveys regarding air sampling and air quality in an effort to minimize or generally avoid dust exposure in an effort to comply with all applicable state, federal and industrial regulations. The specific date upon which the first asbestos air monitoring test or survey was conducted is currently unknown at this time. Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on-going, and that upon the conclusion of Union Carbide's examination of the Seadrift industrial hygiene records, Union Carbide will make available for inspection and duplication by the requesting party, any and all responsive dust counts or air studies in its possession which relate to the asbestos monitoring which was conducted at the Seadrift facility during the years at issue.

INTERROGATORY NO. 13:

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed any measurements and/or studies prior to 1948 to determine the quantity of asbestos fibers in the air at the Union Carbide Corporation 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 period relating to the Plaintiff's alleged presence at the Seadrift facility, much less the time period during which the Seadrift facility actually existed, much less was constructed, 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

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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. Union Carbide states that according to the best information currently available which indicates that inspections may have been performed at the Seadrift facility, but Union Carbide does not, at this time, know if such studies were ever performed by insurance carriers and/or their agents. Therefore, to the extent that responsive, non-privileged documentation and/or other materials pertaining to the Seadrift facility exists and can be located after a reasonably diligent search, Union Carbide will make said responsive documentation and/or other materials available to the requesting party for inspection and copying at a mutually agreeable time and place.

INTERROGATORY NO. 14:

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

RESPONSE:

Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, to a particular facility or premises. In addition, Union Carbide objects to this Interrogatory on grounds that 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 Seadrift 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 work-sites where your employees were using asbestos-containing materials, including the work-sites where Plaintiff was present.

RESPONSE:

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Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that it has not been limited in time or scope. 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 Seadrift facility is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that it has not been limited in time or scope. 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 Seadrift facility is insufficient to enable the responding party to admit or deny. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is inherently vague, undefined and overly broad to the extent that it has not been reasonably limited to the subject matter of this lawsuit, or for that matter to the relevant years at issue. Furthermore, Union Carbide objects to this Request to the extent that it calls upon Union Carbide to speculate as to the meaning of "work-site." In addition, Union Carbide states that it can neither admit nor deny this Request with specificity because a reasonable inquiry regarding Plaintiff's work history has been made, but the information provided by Plaintiff's counsel is insufficient to enable the responding party to admit or deny. Subject to its objections, and as explicitly qualified above, it is denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request. In addition, Union Carbide objects to this Request on grounds that it is duplicative and repetitious.

REQUEST FOR ADMISSION NO. 16:

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

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RESPONSE:

Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior Requests for Admission. Union Carbide further objects to this Request on grounds that it is overly broad to the extent that, as phrased, this Request has not been reasonably limited in time, geographic scope or for that matter to a particular plant or Union Carbide premises. In addition, Union Carbide states that it can neither admit nor deny this Request with specificity because a reasonable inquiry regarding Plaintiff's work history has been made, but the information provided by Plaintiff's counsel is insufficient to enable the responding party to admit or deny. Subject to its objections, and as explicitly qualified above, it is denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request. Union Carbide further objects to this Request on grounds that it is has not been reasonably limited in time, geographic scope, or for that matter to a particular plant or Union Carbide premises. Additionally, Union Carbide objects to this Request on grounds that it is duplicative and repetitious and seeks the discovery of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions and as such this Request for Production is inconsistent 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 work-sites where your employees were using asbestos-containing materials, including the work-sites where Plaintiff was present.

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that, as phrased, this Request has not been reasonably limited in time, geographic scope or for that matter to a particular plant or Union Carbide premises. In addition, Union Carbide states

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that it can neither admit nor deny this Request with specificity because a reasonable inquiry regarding Plaintiff's work history has been made, but the information provided by Plaintiff's counsel is insufficient to enable the responding party to admit or deny. Subject to its objections, and as explicitly qualified above, it is denied.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request. Union Carbide further objects to this Request on grounds that it is has not been reasonably limited in time, geographic scope, or for that matter to a particular plant or Union Carbide premises. Additionally, Union Carbide objects to this Request on grounds that it is duplicative and repetitious and seeks the discovery of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions and as such this Request for Production is inconsistent 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 work-sites where your employees were using asbestos-containing materials, including the work-sites where Plaintiff was present.

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague and overly broad to the extent that, as phrased, this Request has not been reasonably limited in time, geographic scope or for that matter to a particular plant or Union Carbide premises. In addition, Union Carbide states that it can neither admit nor deny this Request with specificity because a reasonable inquiry regarding Plaintiff's work history has been made, but the information provided by Plaintiff's counsel is insufficient to enable the responding party to admit or deny. Subject to its objections, and as explicitly qualified above, it is denied.

REQUEST FOR PRODUCTION NO. 21:

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

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denial.

RESPONSE:

Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the items sought to be discovered, and as a result, Union Carbide is called upon to speculate as to which documents, if any, may or may not be responsive to the full breadth of this vague, overly broad Request. Union Carbide further objects to this Request on grounds that it is has not been reasonably limited in time, geographic scope, or for that matter to a particular plant or Union Carbide premises. Additionally, Union Carbide objects to this Request on grounds that it is duplicative and repetitious and seeks the discovery of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions and as such this Request for Production is inconsistent 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.

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.

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ANSWER:

Union Carbide objects to this Interrogatory on grounds that it is overly broad and has not been 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 states that according to the best information which is currently available, since the early seventies, and in accordance with all of the applicable government, state and industrial standards, the Seadrift facility maintained numerous safety policies in regard to the usage of respiratory devices for the protection against exposure to asbestos dust. In addition, the contractors that worked on the premises of the Seadrift facility during the applicable relevant time periods, were obligated to provide safety equipment to their own employees in a manner consistent with Federal, State and plant guidelines. The imposition and the acceptance of this obligation, on the part of the contractors, to adhere to the applicable safety guidelines was considered a condition precedent to Union Carbide's decision to accept any of the various contractors proposals or bids which had been submitted for consideration. Over the years, Union Carbide has continued to modify and improve its policies and procedures pertaining to respiratory protection in a conscious effort to strictly adhere to the guidelines and other industrial safety standards of all state, federal and industrial regulations. Union Carbide will make all responsive, non-privileged materials and/or other information pertaining to the respiratory protection programs at the Seadrift facility available for inspection and copying by the requesting party at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE:

Please refer to 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, to 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. Therefore, subject to its objections, it is denied.

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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.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE:

Union Carbide objects to this Request on grounds that the use of the term "others" is vague and unclear and as a result, this Request calls for speculation. 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. In addition, Union Carbide objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 23:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 24:

Produce all documents reflecting payments made to contractors between the years 1948 and 1986, including Plaintiffs employer, including but not limited to invoices, bills, check requests,

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requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiffs employer.

RESPONSE:

Union Carbide objects to this Request 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 or admissible 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. 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). In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the burden of responding to this Request substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 21:

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

RESPONSE:

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

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1948 and 1986 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 25:

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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. 22, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected. Subject to and without waiving said objections, Union Carbide responds as follows:

The discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide states that it retained control over Union Carbide operations and employees during the years at issue. Union Carbide vehemently denies that it retained any degree of control over the various independent contractors which worked on the premises of the Seadrift facility over the years, except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety. Therefore, to the extent that such documentation exists and can be located through a reasonably diligent examination of the business records pertaining to the Seadrift 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, between the years 1948 and 1986, Defendant had the power to manage the use or condition of Defendant's Premises.

RESPONSE:

Union Carbide objects to this request to the extent it is vague in that the terms "managed", "use and "condition" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 23, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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 Seadrift 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, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 27:

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

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denial.

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 24, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 25:

Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 25, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union Carbides good faith contentions and the various documents and

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other materials underlying the basis for said contentions without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 26:

Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 26, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 27:

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Admit that, between the years 1948 and 1986, 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 vague, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 30:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 27, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 28:

Admit that, between the years 1948 and 1986, 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. Union Carbide

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objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 28, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 29:

Admit that, between the years 1948 and 1986, Defendant had the power to oversee the use or condition of Defendant's Premises.

RESPONSE:

Union Carbide objects to this request as vague in that the terms "power", "oversee", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 29, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 30:

Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 30, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production

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of all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 31:

Admit that during the years 1948-86, Defendant controlled Defendant's Premises.

RESPONSE:

Union Carbide objects to the request to the extent that it is vague in that the term "controlled" is undefined and unclear. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. 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, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 31, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 32:

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Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 32, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 33:

Admit that, between the years 1948 and 1986, 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 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has

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not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 33, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 34:

Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 37:

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 Responses to Request for Production No. 25 and Request for Admission No. 34, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 35:

Admit that, between the years 1948 and 1986, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE:

Union Carbide objects to the request as vague in that the terms "restricted", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 35, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected in a manner consistent with

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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. 36:

Admit that, between the years 1948 and 1986, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE:

Union Carbide objects to the 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 36, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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.

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REQUEST FOR ADMISSION NO. 37:

Admit that, between the years 1948 and 1986, 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 37, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 38:

Admit that, between the years 1948 and 1986, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE:

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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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at UnionCarbide's Seadrift facility, much less the years during which the Seadrift facility was actually constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 38, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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. 39:

Admit that, between the years 1948 and 1986, Defendant administered the use or condition of Defendant's Premises.

RESPONSE:

Union Carbide objects to this 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. Union Carbide objects to this Request on grounds that it is overly broad in that it has not been confined to the years in which Plaintiff has alleged he was actually present at Union Carbide's Seadrift facility, much less the years during which the Seadrift facility was actually Constructed and operating. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

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REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 39, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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 40:

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

RESPONSE:

Union Carbide objects to this Request to the extent that it is vague in that the phrase "retained some control over the manner in which Plaintiff's work was performed" is unintelligible, vague, 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, it is denied.

REQUEST FOR PRODUCTION NO 43:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 40, including all of the objections set forth therein. Union Carbide objects to the overly broad and vague nature of this Request for Production in that it fails to describe with reasonable particularity the documents and other items to be produced, in addition to the fact that Plaintiff's counsel has provided Union Carbide with an insufficient amount of information regarding

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Plaintiff's work history during his alleged presence at the Seadrift facility and as a result Union Carbide is called upon to speculated as to what, if any, documents and/or other materials might be responsive to the full breadth of this overly broad, inherently vague Request for Production. Furthermore, Union Carbide objects to the duplicative and repetitious nature of this Request.

INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1948 and 1986, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Union Carbide Corporation facility, who were engaged in activities which could be potentially hazardous to either themselves or Union Carbide Corporation employees? If the answer is anything other than "no", identify each and every fact which supports this contention

RESPONSE:

Union Carbide objects to this Interrogatory as drafted as ambiguous, confusing and unclear in its usage of negatives, and is vague in that it is unclear which Union Carbide Corporation facility is meant. Additionally, Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Interrogatory on grounds that it has not 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). 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 Seadrift facility during the limited years of Plaintiffs alleged presence and during the years in which the Seadrift facility was actually constructed and operating, 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 permitted 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 Plaintiffs employer performed the work requested by the Defendant.

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RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 17 contained herein. Union Carbide objects to this Request to the extent that it is vague in that the phrase "retained some control over the manner in which Plaintiff's work was performed" is unintelligible, vague, 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 and as such, this Request is harassing and oppressive. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 44:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 41, including all of the objections set forth therein. Union Carbide objects to the overly broad and vague nature of this Request for Production in that it fails to describe with reasonable particularity the documents and other items to be produced, in addition to the fact that Plaintiff's counsel has provided Union Carbide with an insufficient amount of information regarding Plaintiff's work history during his alleged presence at the Seadrift facility and as a result Union Carbide is called upon to speculated as to what, if any, documents and/or other materials might be responsive to the full breadth of this overly broad, inherently vague Request for Production. Furthermore, Union Carbide objects to the duplicative and repetitious nature of this Request.

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:

Please refer to Union Carbide's Answer to Interrogatory No. 17, contained herein. Union Carbide objects to this Request on grounds that the use of the phrase "not entirely free to do the work on Defendant's Premises in his own way" is vague, undefined and unintelligible. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 45:

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

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denial.

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 42, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected 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 Plaintiffs employer was not entirely free to do the work requested by Defendant on Defendant's Premises in its own way.

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 17 contained herein. Union Carbide objects to this Request to the extent that it is vague in that the phrase "Plaintiffs employer was not entirely free to do the work requested by Defendant" is unintelligible, vague, 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 and as such, this Request is harassing and oppressive. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE:

Please refer to Union Carbide's Responses to Request for Production No. 25 and Request for Admission No. 43, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent 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 without describing with reasonable particularity the documents and items sought to be produced or inspected in a manner consistent with

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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:

Admitted.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE:

Not applicable.

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REQUEST FOR ADMISSION NO. 46:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO 47:

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

RESPONSE:

Admitted.

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:

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Admitted.

REQUEST FOR PRODUCTION NO. 51:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE:

Admitted.

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE:

Not applicable.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 17, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior Requests for Admission, and as such this Request is harassing and oppressive. Union Carbide further objects to this Request on grounds that it has not been reasonably tailored to the subject matter of this lawsuit, or for that matter has this Request been limited in time, scope or to a particular Union Carbide plant or premises and as such this Request, as drafted, constitutes an impermissible fishing expedition. In Re American Optical, 988 S.W.2d 711, 713 (Tex.

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1998).

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 discovery of information which has not been reasonably limited to 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. Subject thereto, Union Carbide responds as follows:

Union Carbide will make all responsive, non-privileged materials and/or other information pertaining to the installation of asbestos containing insulation at the Seadrift facility available for inspection and copying by the requesting party at a mutually agreeable place and time.

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

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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 Seadrift 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:

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

RESPONSE:

Union Carbide will make all responsive, non-privileged documents pertaining to the potential dangers which 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 states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Union Carbide admits that it advised its contractors with regard to health and safety procedures, but that the independent

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contractors themselves were responsible for the safety of their employees and for providing their employees with the required safety equipment depending on the particular job involved, otherwise beyond this explicitly qualified admission, this Request is denied by Union Carbide.

REQUEST FOR ADMISSION NO. 52:

Admit that you supervised the health and safety practices implemented by Plaintiffs employer.

RESPONSE:

Please refer to Union Carbide's Response to Request for Admission No. 51, contained herein.

REQUEST FOR ADMISSION NO 53:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE:

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

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RESPONSE:

Union Carbide objects to this Interrogatory as argumentative and assuming facts not in evidence in that it assumes that Plaintiff was exposed to asbestos on its Premises and that he has suffered an asbestos related injury as a result of such alleged exposure. 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 states that Plaintiff, according to the Work History sheet provided to Union Carbide by Plaintiff's counsel, worked at numerous job sites for various contractors during the years of his employment and as a result, in order to thoroughly and accurately respond to the full breadth of this overly broad, poorly worded Interrogatory, Union Carbide would be called upon to speculate as to what the conditions of Plaintiffs employment, the types of jobs he actually performed, the various contractors working with or in the vicinity of Plaintiff, whether or not Plaintiffs various employers and co-workers complied with 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 Plaintiffs exposure to asbestos at Defendant's Premises was a substantial contributing factor in causing his asbestos-related injury.

RESPONSE:

Union Carbide objects to this request on grounds that it calls for speculation and, as phrased, 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. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 56:

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

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RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 19, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it 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. 55:

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

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 56:

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

RESPONSE:

Denied.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE:

Union Carbide objects to this Request 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.

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REQUEST FOR ADMISSION NO. 57:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 58:

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

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:

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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.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE:

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

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

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REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE:

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

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

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and records, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

b. Any record retention and/or destruction, dumping, or purging policies for Defendant that pertain to documents and records created, maintained or stored by electronic and/or magnetic means, including but not limited to records that have been microfilmed, microfiche, 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.

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:

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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 Seadrift 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.

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 the existence of any asbestos-related causes of action.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 59:

Admit that Defendant is liable for Plaintiffs asbestos related illness.

RESPONSE:

Denied.

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REQUEST FOR ADMISSION NO. 60:

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

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 61:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE:

Union Carbide objects to this Request on grounds that the use of the term "uses" is vague and undefined. Union Carbide states that the abatement of asbestos from the Seadrift facility is an on-going process, and as a result according to the best information currently available to Union Carbide, it is believed that some asbestos may still present on the premises of the Seadrift facility.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE:

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

Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 Seadrift plant, said documents

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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 make all responsive documentation and/or other materials available to the requesting party for inspection and duplication at a mutually agreeable place and time.

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.

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

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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 Seadrift 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 make all contracts or other documents relating to the asbestos abatement performed at the Seadrift facility, available to the requesting party for inspection and duplication at a mutually agreeable place and time.

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,

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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 Seadrift 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 Seadrift plant, 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. 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 make all responsive documentation and/or other materials available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 74:

Produce all documents related to the medical condition of George Pena at any time during his employment at Defendant's Premises. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and employment records relating to Plaintiffs health.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 75:

Produce Plaintiffs entire personnel file from Defendant's premises.

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RESPONSE:

Union Carbide will produce any such documents within its possession, if said documents actually exist and can be ascertained through a reasonable review of the Seadrift 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 Seadrift 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 from the Seadrift plant, 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. 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:

Please refer to Union Carbide's Answer to Interrogatory No. 7 and Union Carbide's Response to Request for Production No. 13, including all of the objections contained therein.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 7 and Union Carbide's Response to Request for Production No. 13, including all of the objections contained therein. In addition, Union Carbide objects to this Request on grounds that it is duplicative of numerous prior requests for information.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE:

Please refer to Union Carbide's Answer to Interrogatory No. 7 and Union Carbide's Response to Request for Production No. 13, including all of the objections contained therein. In addition, Union Carbide objects to this Request on grounds that it is duplicative of numerous prior requests for information.

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.

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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. Union Carbide further objects to this Request on grounds that it does not describe with reasonable particularity the documents and/ or other items sought to be produced or inspected in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. Subject thereto, Union Carbide responds as follows:

Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 Seadrift plant, 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. 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 Seadrift 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 Seadrift plant, 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. 83:

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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:

Union Carbide is diligently attempting to conclude its examination of the Seadrift 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 Seadrift plant, 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. 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.

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RESPONSE:

Union Carbide states that it will make all documentation, to the extent that documentation exists, available for inspection and duplication by 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 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 which may be responsive to full breadth of this overly broad request, exist and can be located through a reasonably diligent review of the Seadrift 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

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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. Union Carbide objects to this Request on grounds that it does not describe with reasonable particularity the documents and other items sought to be discovered in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information.

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. K Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

Union Carbide states that it will make all responsive information, to the extent that responsive information exists and can be located, available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 90:

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

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RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE:

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

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

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE:

To the extent said documents exist and can be located, upon Plaintiff's request, copies of

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

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE:

Union Carbide objects to this Request on grounds that it is vague, overly broad, 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. Union Carbide objects to this Request on grounds that it is unduly burdensome and the time consuming, costly nature of this burden, to the extent that responsive documentation exists and can be located, substantially outweighs the probative value of the information sought should discovery be allowed. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information.

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?

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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. Union Carbide objects to this Request on grounds that it is inherently duplicative and repetitious, and as such this Request is harassing.

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 Seadrift business records.

REQUEST FOR PRODUCTION NO. 98:

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

RESPONSE:

Union Carbide does not make such a contention.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been forwarded to counsel for Plaintiffs, Mr. Russel Budd,Baron & Budd, The Centrum, 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219, by certified mail and all other counsel of record by regular mail on this the 1 day of May, 2001.



MISTI D. MOSTELLER

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