PLAINTIFF'S EXHIBIT
UC-2039

CAUSE NO. CC9914101E

PATRICIA ANN MCDONALD	§	IN THE COUNTY COURT
	§	
VS.	§	AT LAW NO. 5
	§	
GAF CORPORATION, ET AL.	§	DALLAS COUNTY, TEXAS

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

TO: Plaintiff, Patricia Ann McDonald, by and through her attorney of record, Holly J.W. Huart, Baron & Budd, The Centrum, 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219.

COMES NOW, Defendant Union Carbide Corporation, and makes and serves this its Objections and Answers to Plaintiff Patricia Ann McDonald's First Set of Interrogatories, First Request for Production and First Request for Admissions.

Respectfully submitted,

DeHAY & ELLISTON, L.L.P.
3500 Bank of America Plaza
901 Main Street
Dallas, TX 75202
(214) 2102400
(214) 2102500 (telecopier)

By: _____
GARY D. ELLISTON
State Bar No. 06584700
PAUL E. HAMILTON
State Bar No. 08838800

ATTORNEYS FOR DEFENDANT
UNION CARBIDE CORPORATION

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog… Published by AsbestosClaims.Law
ACL Doc 17065 · Page 1 of 79 asbestosclaims.law/library/17065/1

CERTIFICATE OF SERVICE

I do hereby certify, that on this date, a true and correct copy of the above and foregoing Answers to Plaintiffs' First Set of Interrogatories and Request for Production was forwarded via certified mail, returnreceiptrequested to counsel for Plaintiff, Holly J.W. Huart, Baron & Budd, The Centrum, 3102 Oak Lawn Ave., Suite 1100, Dallas, Texas 75219, on this the 6th day of June, 2001.

Paul E. Hamilton

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 2 of 79 **asbestosclaims.law/library/17065/2**

GENERAL OBJECTION

Union Carbide objects to Plaintiffs' entire set of Interrogatories, Requests for Production and Requests for admission to the extent that they call for information about Union Carbide facilities or premises where the plaintiffs 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 unduly burdensome, if possible at all. Morever, the nature of the processes and work conducted at Carbide's various plants and facilities differed considerably, and information relating to another plant or facility is not necessarily relevant.

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 on the grounds that the definitions are overly broad, vague and often inconsistent with the normal common usage and meaning of such words. As a result, these definitions constitute an unreasonable expansion of the Interrogatories, Requests for Production and Requests for Admission themselves. Union Carbide has therefore responded to this discovery consistently with the common understanding of the language used in the Interrogatories, Requests for Production and Requests for Admission.

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.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 3 of 79 **asbestosclaims.law/library/17065/3**

OBJECTIONS AND RESPONSES TO PLAINTIFF'S
INTERROGATORIES, REQUESTS FOR PRODUCTION
AND REQUEST FOR ADMISSIONS

INTERROGATORY NO. 1:

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

ANSWER: The responses to these discovery requests were prepared by counsel for Union Carbide Corporation based on information either contained in business records or provided by present and former Union Carbide employees. Business records used to respond to these discovery requests are under the control of Mrs. Virginia M. Ruszczyk, Custodian of Records, Kelley Drye & Warren, L.L.P., 101 Park Avenue, 31st Floor, New York, New York 10178.

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: Union Carbide objects to this Request on grounds that it is overly broad. Plaintiff's have failed to limit this Request to a particular time period or premises, nor has this Request been confined to the subject matter made this basis for the lawsuit and as a result this Request is not reasonably calculated to lead to discovery of admissible evidence. Subject thereto, Union Carbide admits generally that during a certain time period, certain Union Carbide premises purchased and or otherwise acquired various asbestos-containing products and machinery requiring the use of asbestos-containing products.

REQUEST FOR PRODUCTION NO. 1:

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 has not been limited in time or scope and as such this Request constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it fails to identify with any degree of reasonable particularity the types or categories of

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 4 of 79 asbestosclaims.law/library/17065/4

documents sought to be discovered in a manner consistent with the meaning of Rule 196 if the Texas Rules of Civil Procedure, and as a result, Union Carbide is called upon to speculate as to what type of documentation might be responsive to the full breadth of this overly broad request.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestoscontaining products, asbestoscontaining friction products, and/or machinery requiring the use of asbestos or asbestoscontaining products were utilized on Defendant 's Premises between the years 1950 and 1978.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, in that it has not been reasonably limited, geographic scope or to a particular Union Carbide plant or premises. Subject thereto, Union Carbide admits generally that certain types of asbestos-containing products were used on certain portions of various Union Carbide's premises during certain periods of time over the years at issue.

INTERROGATORY NO. 2:

If you admit the foregoing request, please list all asbestoscontaining 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 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). Union Carbide objects to this Interrogatory on grounds that it has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide premises, and as a result, Union Carbide is called upon to speculate as to what information might be responsive to the full breadth of this overly broad Interrogatory. Subject

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 5 of 79 asbestosclaims.law/library/17065/5

thereto, Union Carbide responds as follows:

Union Carbide states that it began the discontinuation of the use of asbestos-containing products over twenty years ago and as a result, will be unable to provide an all-inclusive list of each specific asbestos containing product which might have been used, each specific location where asbestos may have been installed, by whom the product was installed, and the date the each product was discontinued. In general, up until the early 1970's, Union Carbide used some asbestos-containing insulation, gaskets, and cement. The products were generally installed on hot pipes, heat exchangers, boilers and distillation columns.
Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication 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 asbestoscontaining products for use at Defendant's Premises, including but not limited to invoices, price quotations, purchase orders, requisitions, bills of lading, and other purchasing and/or shipping documents of the similar nature.

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

It is unknown to Union Carbide at this time whether or not documents which may be responsive to the full breadth of this overly broad Request exist, and can be located through a review of the Union Carbide business records pertaining to asbestos and asbestos containing products. Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 6 of 79 asbestosclaims.law/library/17065/6

at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 3:

Admit that during the time Plaintiff was employed by Defendant, it was foreseeable that asbestoscontaining products on Defendant's Premises would or could be removed, stripped, replaced or repaired at some time after installation.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 4:

Admit that Plaintiff's Decedent was exposed to asbestoscontaining products and/or machinery requiring or calling for the use of asbestos and/or asbestoscontaining products in his occupation at Defendant's Premises.

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has 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 exposed to asbestos-containing products or what the conditions of his alleged employment may have been, is insufficient to enable the responding party to admit or deny. Union Carbide states that Plaintiff worked on numerous premises during his tenure at Union Carbide, and as a result it is impossible to definitely state that Plaintiff was generally exposed to asbestos containing products and/or machinery requiring the use of asbestos-containing products. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 3:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents with reasonable particularity in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. 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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 7 of 79 asbestosclaims.law/library/17065/7

Request is inconsistent with Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 5:

Admit that Plaintiff's Decedent was employed by Defendant or by a predecessorininterest of Defendant.

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 4:

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

RESPONSE: Not applicable.

REQUEST FOR PRODUCTION NO. 5:

If you admit the foregoing request, in whole or in part, produce Plaintiff's Decedent's employment file.

RESPONSE: Union Carbide will make all non-privileged, responsive information pertaining to Alexander Joseph McDonald's employment file available to the requesting party for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 3:

Do you contend that Plaintiff's Decedent was not exposed to asbestos while working at the Defendant's Premises? 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 in that it has not been confined to a particular Union Carbide premises, or for that matter to a particular time period and as a result this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide states that according to the best information currently available, Plaintiff was present on myriad of Union Carbide premises, and as a result Union Carbide is called upon to speculate as to the extent, if any, of Plaintiff's alleged exposure to asbestos. Union Carbide states that without the benefit of knowing each and every plant or unit that Plaintiff was present

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 8 of 79 asbestosclaims.law/library/17065/8

while working, Union Carbide can not make such a contention at this time.

REQUEST FOR ADMISSION NO. 6:

Admit that Plaintiff's Decedent worked at Defendant's Premises in areas where asbestoscontaining products were installed, used, prepared for use, replaced or repaired, stored or loaded, unloaded or transported.

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad in that it has not been confined to a specific Union Carbide plant or premises, and to the extent that it has not been limited in time or scope. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding each and every location where Alexander McDonald might have worked and what the alleged conditions of his employment were, is insufficient to enable the responding party to generally admit or deny. Subject to its objections, and as explicitly qualified herein, denied.

REQUEST FOR PRODUCTION NO. 6:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to the use of the terms "unequivocally admit" on grounds that it is vague and undefined, and as a result Union Carbide is called upon to speculate as to whether or not it has unequivocally admitted the foregoing Request for Admission. Union Carbide further objects to this Request on grounds that it has failed to identify with any degree of reasonable particularity, the specific types of documents or items sought to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 7:

Admit that while Plaintiff's Decedent was working on Defendant's Premises he was continuously exposed to asbestos and asbestoscontaining dust without the provision of appropriate safeguards.

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad in that it has not been confined to a specific Union Carbide plant or premises, and to the extent that it has not been limited in time or scope. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding the various locations where Alexander McDonald might have worked and what the alleged conditions of his

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interrog... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 9 of 79 asbestosclaims.law/library/17065/9

employment were, is insufficient to enable the responding party to admit or deny. Subject to its objections, and as explicitly qualified herein, denied.

REQUEST FOR PRODUCTION NO. 7:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to the use of the terms "unequivocally admit" on grounds that it is vague and undefined, and as a result Union Carbide is called upon to speculate as to whether or not it has unequivocally admitted the foregoing Request for Admission. Union Carbide objects to this Request to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises and as such, this Request as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it has failed to identify with any degree of reasonable particularity, the specific types of documents or items sought to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 8:

Admit that Defendant was negligent in the installation, maintenance, removal and/or abatement of asbestos at Defendant's Premises.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 8:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to the use of the terms "unequivocally admit" on grounds that it is vague and undefined, and as a result Union Carbide is called upon to speculate as to whether or not it has unequivocally admitted the foregoing Request for Admission. Union Carbide further objects to this Request on grounds that it has failed to identify with any degree of reasonable particularity, the specific types of documents or items sought to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. 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 plant or premises. Union Carbide further objects to this Request on grounds that it seeks

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 10 of 79 asbestosclaims.law/library/17065/10

information beyond the scope of the subject matter made the basis of this lawsuit and as such, this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request on grounds that as drafted, this Request constitutes an impermissible fishing expedition.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE: Denied.

INTERROGATORY NO. 4:

Do you contend that Defendant specifically warned Plaintiff's Decedent about the hazards of asbestos and asbestoscontaining 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 as it has not been reasonably limited in time or scope, nor has this Interrogatory been reasonably limited to a particular Union Carbide facility where Plaintiff is allegedly claiming exposure. Union Carbide further objects to the overly broad nature and vague nature of this Interrogatory on grounds that it constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, and without waiving the same, Union Carbide responds as follows:

With regard to the time period during which asbestos-containing products were used at Union Carbide, 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 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. By 1972, Union Carbide, as was required by the new OSHA asbestos standards, 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 at all of the Union Carbide facilities using asbestos containing products. 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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 11 of 79 asbestosclaims.law/library/17065/11

to control or avoid the potential harm which could result from excessive exposure to asbestos dust, including the use of respirators. In addition to the dissemination of information, Union Carbide took active steps to ensure that asbestos was handled in a clean and safe manner in accordance with all of the applicable state and federal guidelines.

INTERROGATORY NO. 5:

Describe all safety precautions taken by you or directed by you to be taken (such as containment areas, warning signs, ventilation systems, evacuating the premises, etc.) for the protection of bystanders (including but not limited to Plaintiff's Decedent) from the hazards resulting from the use of asbestoscontaining products at Defendant's Premises.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad and unduly burdensome, and the time consuming, oppressive nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed. Additionally, Union Carbide objects to this Interrogatory on grounds that this Interrogatory has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further states that it has owned and operated numerous plants and premises over the years, and as a result, it will be unable to provide an all inclusive detailed list of each and every safety precaution utilized on each and every Union Carbide premises. Subject thereto, Union Carbide responds as follows:
Please refer to Union Carbide's Answer to Interrogatory No. 4, including all of the objections set forth therein.

Additionally, 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, and prolonged exposure to, asbestos fibers, all in an effort to actively insure that both Carbide employees and contractors were well advised on ways to control and avoid the potential harm which could result from excessive exposure to asbestos dust. Union Carbide, as well as, the contractors which have been present at Union Carbide's numerous facilities 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, Union Carbide developed industrial hygiene, respiratory protection 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, in addition to the most current federal, state and industrial standards in regard to safety and asbestos. Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 12 of 79 asbestosclaims.law/library/17065/12

Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 10:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, it is vague and ambiguous. Further, this Request is overly broad in that it has not been confined to a specific Union Carbide plant or premises, and to the extent that it has not been limited in time or scope. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding the various locations where Alexander McDonald might have worked and what the alleged conditions of his employment were, is insufficient to enable the responding party to admit or deny as to Plaintiff's Decedent specifically. Subject to its objections, and as explicitly qualified herein, denied.

REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 11:

Admit that you did not utilize engineering controls such as isolation or enclosure at the work sites where your employers were using asbestoscontaining materials, including the work sites where Plaintiff's Decedent was present.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 13 of 79 asbestosclaims.law/library/17065/13

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, it is vague and ambiguous. Further, this Request is overly broad in that it has not been confined to a specific Union Carbide plant or premises, and to the extent that it has not been limited in time or scope. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding the various locations where Alexander McDonald might have worked and what the alleged conditions of his employment were, is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Subject to its objections, and as explicitly qualified herein, denied.

REQUEST FOR PRODUCTION NO. 10:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE: Union Carbide objects to this Request on grounds that, as drafted, this Request is overly broad in that it has not been confined to a specific Union Carbide plant or premises, and to the extent that it has not been limited in time or scope. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding the various locations where Alexander McDonald might have worked and what the alleged conditions of his employment were, is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Subject to its objections, and as explicitly qualified herein, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 14 of 79 asbestosclaims.law/library/17065/14

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 this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents which pertain to ventilation or exhaust systems which were utilized, in general, to divert dust at work sites. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and ambiguous. Further, this request is overly broad in that it has not been limited in time or scope, nor has this Request been confined to the subject matter made the basis for this lawsuit. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding each and every work site where asbestos-containing materials might have been used, much less the information known regarding each and every work site where Plaintiff's Decedent might have been present during his tenure at Union Carbide, is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, it is denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 15 of 79 asbestosclaims.law/library/17065/15

REQUEST FOR PRODUCTION NO. 12:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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. Union Carbide further objects to this Request on grounds that it is duplicative and repetitious. Subject thereto, Union Carbide responds as follows:
Please refer to Union Carbide's Response to Request for Production No. 11, contained herein.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time or scope, nor has this Request been confined to the subject matter made the basis for this lawsuit. Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding each and every work site where asbestos-containing materials might have been used, much less the information known regarding each and every work site where Plaintiff's Decedent might have been present during his tenure at Union Carbide, is insufficient to enable the responding party to admit or deny this Request with specificity. Union Carbide further states over the years it has required and expected its employees and contractors to comply with all applicable state and federal guidelines in regard to the safe handling of asbestos. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 13:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 16 of 79 asbestosclaims.law/library/17065/16

premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 15:

Admit that you did not evacuate the premises prior to the utilization of asbestoscontaining materials at the work sites where your employees were using asbestoscontaining materials, including the work sites where Plaintiff's Decedent was present.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that Union Carbide is called upon to speculate as to which premises and during what time period is involved in this Request. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 16:

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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 17 of 79 asbestosclaims.law/library/17065/17

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 15:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 17:

Admit that exposure to asbestos fibers on Defendant's Premises put Plaintiff's Decedent at an extreme risk of injury.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 16:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 18 of 79 asbestosclaims.law/library/17065/18

REQUEST FOR ADMISSION NO. 18:

Admit that by failing to adequately protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant placed Plaintiff's Decedent at an extreme degree of risk.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 17:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: Union Carbide objects to the overly broad nature of this Request on grounds that it has not been limited in time or scope, and as such, as drafted, this Request constitutes an impermissible fishing expedition. Subject thereto, Union Carbide states generally that this Request is admitted as to some, but not all, portions of Union Carbide's various premises and that at some point in time Union Carbide states that it was generally aware of the presence and/or use of asbestos-containing products.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 19 of 79 asbestosclaims.law/library/17065/19

REQUEST FOR PRODUCTION NO. 18:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information.

REQUEST FOR ADMISSION NO. 20:

Admit that Defendant knew that asbestos fibers when inhaled could cause injury.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been reasonably limited in time or scope and as such, constitutes an impermissible fishing expedition. Union Carbide states that over the years it gradually became aware of the possibility that the excessive inhalation of asbestos-containing fibers could possibly cause injury. Union Carbide states that because Plaintiff's have to quantify the level of inhalation necessary to allegedly cause injury, and failed to limit the scope of this Request for Admission to a particular time period, or to a particular injury, Union Carbide is called upon to speculate as to whether or not it can admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 19:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 20 of 79 asbestosclaims.law/library/17065/20

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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 21:

Admit that by knowing of the hazards of exposure to asbestos fibers and failing to protect Plaintiff's Decedent from exposure to asbestos fibers, Defendant exhibited conscious indifference to the rights, safety, and welfare of Plaintiff's Decedent.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 20:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited to the relevant time period at issue, or for that matter to a particular Union Carbide plant or premises, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 22:

Admit that Defendant demonstrated "such an entire want of care as to establish that its acts and omissions were the result of actual conscious indifference to the rights, safety and welfare of Plaintiff's Decedent, and that such acts and omissions were a proximate cause of Plaintiff's Decedent's death."

RESPONSE: Denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 21 of 79 asbestosclaims.law/library/17065/21

REQUEST FOR PRODUCTION NO. 21:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 23:

Admit that Defendant failed to provide safety equipment for Plaintiff's Decedent to use on Defendant's Premises.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 22:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents which pertain to safety equipment. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 22 of 79 asbestosclaims.law/library/17065/22

contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 24:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 23:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant did not exercise reasonable care to reduce or eliminate the risk of harm posed by the use of asbestoscontaining products at Defendant's Premises.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 26:

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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 23 of 79 asbestosclaims.law/library/17065/23

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Union Carbide responds as follows: Please refer to Union Carbide's Answers to Interrogatory Nos. 4 and 5, contained herein.

REQUEST FOR ADMISSION NO. 28:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information, and as such this Request is harassing.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 24 of 79 asbestosclaims.law/library/17065/24

REQUEST FOR PRODUCTION NO. 26:

If you contend that while at the premises on which you or your employees were working with asbestoscontaining materials, Plaintiff's Decedent 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 as defined by Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this request because it is vague and does not describe 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. 27:

If you contend that Plaintiff's Decedent 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 asbestoscontaining materials, 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 as defined by Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this request because it is vague and does not describe 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. 28:

If you contend that Plaintiff's Decedent does not suffer from the asbestosrelated 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 as defined by Rule 196 of the Texas Rules of Civil

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 25 of 79 asbestosclaims.law/library/17065/25

Procedure. Union Carbide further objects to this request because it is vague and does not describe 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. 29:

If you contend that Plaintiff's Decedent was not exposed to asbestos dust on Defendant's Premises, 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 as defined by Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this request because it is vague and does not describe 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.

INTERROGATORY NO. 6:

State whether Defendant has at any time provided safety equipment at any time for workers' protection against the inhalation of asbestos dust, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, indicate when such was first provided to your workers, under what circumstances such were provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

ANSWER: Union Carbide objects to this Interrogatory to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, to a particular plant or premises and as such, this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this Interrogatory on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Union Carbide further objects to providing an all inclusive list of each and every safety device utilized on each and every Union Carbide premises, without any evidence that

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 26 of 79 asbestosclaims.law/library/17065/26

Plaintiff's have even attempted to limit the scope of this Interrogatory to a particular premises or time period. Union Carbide further objects to this Interrogatory on grounds that Union Carbide has operated numerous plants and premises over the years and states that it would virtually impossible to identify the one individual with the most knowledge of Union Carbide of the various types of safety equipment utilized at Union Carbide. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that according to the best information which is currently available, Filter type respirators have, at least as far back as the 1940's, been available to Carbide employees upon request or as required for specific tasks where conditions were identifiably dusty. However the use of such respirators has depended upon individual working conditions. Since the early seventies, and in accordance with all of the applicable government, state and industrial standards, Union Carbide, maintained numerous safety policies in regard to the usage of masks, protective clothings, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or respiratory devices for protection against exposure to asbestos dust. In addition, the contractors that worked on the various premises of Union Carbide over the years, 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 states that throughout the 50's and 60's, various models and types of respiratory protection were made available to both Union Carbide employees, in addition to various contractors over the years depending on the negotiated terms of the applicable purchase order. Union Carbide states that until the early 1970's, the use of respiratory protection was voluntary. In 1972, use of respirators became mandatory, and was made available to Union Carbide's employees as part of its general safety and health program. Therefore, in the early 1970's, following the inception of OSHA and the creation of federally mandated asbestos related guidelines, Union Carbide implemented various programs which required the following: (1) that specific respiratory protective devices will be designated for variable exposure levels; (2) that specific respiratory protection programs will be provided in accordance with the American National Standards Practice for Respiratory Protection; and (3) that all respiratory protection provided should meet the standards set out by all of the applicable provisions of both the Occupational Safety and Health Act and the standards set forth by the various U.S. Bureau of Mines schedules of approved respiratory protection.

Additionally, Union Carbide in compliance with the standards set forth by the Occupational Safety and Health Act, maintained numerous policies in regard to asbestos, requiring that all employees use company issued coveralls, underclothes and socks, which were to be laundered by daily by Union Carbide, and that all employees be required to take compulsory showering at the end of their

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 27 of 79 asbestosclaims.law/library/17065/27

workday or shift. Theses policies set forth the mandate that employees were forbidden to take the plant issued coveralls from Union Carbide's premises. The policies, as well as additional responsive information, can be located in the repository for asbestos related documents. The repository will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 30:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request 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 burden, in light of Plaintiff's failure to limit the scope of this Request to matters which are reasonably calculated to lead to the discovery of admissible evidence, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request, may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 7:

If you have ever had a policy requiring employees to use respirators, state when this policy was implemented; describe this policy in detail; state to whom it applied (i.e. Defendant employees and contractor employees); and describe what types and brand names of respirators were required by you.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 28 of 79 asbestosclaims.law/library/17065/28

ANSWER: Please refer to Union Carbide's Answer to Interrogatory No. 6, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 31:

Produce all documents which support your response to the foregoing interrogatory.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 30, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 29:

Admit that Defendant did not provide adequate safety measures and protection against asbestos dust to Plaintiff's Decedent.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 32:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 30, and Union Carbide's Answer to Interrogatories Nos. 4, 5 and 6 including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 30:

Admit that Defendant did not adequately warn Plaintiff's Decedent of the extreme risk and dangers of asbestos exposure during the installation, maintenance, manufacturing and removal process.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 33:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 29 of 79 asbestosclaims.law/library/17065/29

RESPONSE: Union Carbide objects to this Request for Production on grounds that it is repetitious and duplicative of numerous prior requests for information, and as such this Request is harassing and oppressive.

INTERROGATORY NO. 8:

Identify any and all warnings ever given by Defendant, if any, to Plaintiff's Decedent regarding hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers.

ANSWER: Please refer to Union Carbide's Answers to Interrogatories Nos. 4 and 5, including all of the objections set forth therein.

INTERROGATORY NO. 9:

If Defendant or any of its predecessor or subsidiary companies have at any time published or distributed any printed material containing any warnings concerning the possibility of injury resulting from the use of asbestoscontaining products or exposure to asbestos? If so, identify each personal responsible for having drafted or issued the warning statements and/or written materials, and the dates when each warning was first issued or distributed.

RESPONSE: Union Carbide has always followed the practice of including all legally required and extra-legally prudent cautions of possible hazards for uses of its products, which often consisted of chemicals or other intermediate products sold to manufacturers or producers for specialized uses. Asbestos dust caution texts were concluded to be unnecessary on Union Carbide's heat-resistant phenolic resin packaging. The asbestos fibers in those products were modified by a bonding agent and thus exempt from the requirement to print caution labels on mixtures containing asbestos fibers published in the Federal Register, Vol. 37, No. 110-Wednesday, June 7, 1972. Nevertheless, in late 1972 or early 1973, Union Carbide handprinted asbestos cautions on bags or packages of phenolic resin. Starting May 1, 1973, Union Carbide may have printed the following cautions on the packages of phenolic molding materials:

"CAUTION! Contains asbestos fibers; Avoid creating dust; Breathing Asbestos Dust May Cause Serious Bodily Harm"

Union Carbide ceased manufacturing and selling Bakelite phenolic resin in 1975. Doug Neal, a former industrial hygienist at the facility which produced the phenolic resin is familiar with the history of the use of warning labels for Bakelite. Don Gould, the former chair of Union Carbide's warning label committee, is also familiar with the history of labels on phenolic resin bags.
Please refer to Union Carbide's Answers to Interrogatories Nos. 4 and 5, including all of the objections set forth therein.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 30 of 79 asbestosclaims.law/library/17065/30

REQUEST FOR ADMISSION NO. 31:

Admit that Defendant did not adhere to all industrial, governmental, regulatory and other established measures to protect workers from harm from exposure to asbestos during the relevant time of Plaintiff's Decedent's employment.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 34:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request 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 burden, in light of Plaintiff's failure to limit the scope of this Request to matters which are reasonably calculated to lead to the discovery of admissible evidence, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents pertaining all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health with regard to asbestos. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 31 of 79 asbestosclaims.law/library/17065/31

INTERROGATORY NO. 10:

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

ANSWER: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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. 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 maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 35:

Produce all documents identified in the foregoing interrogatory.

RESPONSE: Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 11:

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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 32 of 79 asbestosclaims.law/library/17065/32

written report was generated.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad in that it has not been reasonably limited in time or geographic scope, nor has this Interrogatory been confined to the subject-matter made the basis of this lawsuit, and as such 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 is unduly burdensome, and the time-consuming, costly nature of the burden entailed in identifying responsive information for this Interrogatory, on behalf of all of Union Carbide's facilities without any existing limitation in time or scope, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that the various types of information sought to be discovered are a matter of public record, and as such these materials are as equally available to the requesting party as to the responding party. Subject thereto, Union Carbide responds as follows:

Union Carbide does not maintain a log of each and every government inspection which has taken place over the past thirty years, and therefore will be unable to thoroughly respond to the full breadth of this overly broad Interrogatory. Union Carbide states that it maintains a repository of asbestos related documents, including those documents pertaining all relevant State and Federal inspections for compliance with all of the applicable asbestos standards. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Interrogatory may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 36:

Produce all documents identified in the foregoing interrogatory.

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No.11, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 32:

Admit that Defendant attempted to install, maintain, manufacture and/or remove asbestos in its workplace without taking adequate precautions for the protection of workers in the vicinity and/or in the plant generally.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 33 of 79 asbestosclaims.law/library/17065/33

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, and as such constitutes an impermissible fishing expedition. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 37:

If you fail to unequivocally admit the foregoing request, produce all documents which support your response.

RESPONSE: Union Carbide objects to this Request on grounds that this Request has not been limited in time or scope, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 and as such this Request 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 burden, in light of Plaintiff's failure to limit the scope of this Request to matters which are reasonably calculated to lead to the discovery of admissible evidence, substantially outweighs the probative value of the information sought should discovery be allowed.

INTERROGATORY NO. 12:

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

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad, and unduly burdensome for Union Carbide to identify each and every person involved with occupational medicine. Furthermore, Union Carbide objects to this Interrogatory on grounds that it has not been reasonably limited in time or scope, nor has it been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Interrogatory 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 Corporation may presently lack the availability of complete responsive information to this Interrogatory, the discovery processes and Union Carbide's own investigation into this matter remains ongoing. Union Carbide Corporation therefore reserves its right to supplement this response

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 34 of 79 asbestosclaims.law/library/17065/34

if Union Carbide obtains any additional pertinent information.

Union Carbide's Medical Department was formally organized in 1939. Prior to that date, Union Carbide and Union Carbide facilities consulted physicians as appropriate and as needed. The medical directors at Union Carbide have included the following individuals for the years respectively indicated below:

(1) Girard Cranch [1938-1945]

(2) Thomas Nale [1945-1963]
Kenneth Square, PA

(3) John J. Welsh [1963-1978]
45-25 Douglaston Parkway,
Douglaston, NY 11383

(4) Thomas A. Lincoln [1978-1985]
Oak Ridge Associated Universities,
Medical Sections, Oak Ridge, TN
37830

(5) T. Guy Fortney [1985-1989]

(6) Jean B. Case [1989-Present]
Old Ridgebury Road,
Danbury, CT 06817

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

INTERROGATORY NO. 13:

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

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad, additionally it would be unduly burdensome for Union Carbide to identify each and every person involved with safety. Furthermore, Union Carbide objects to this Interrogatory on grounds that it has not been reasonably limited in time or scope, nor has it been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Interrogatory constitutes an impermissible

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 35 of 79 asbestosclaims.law/library/17065/35

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

Union Carbide Corporation may presently lack the availability of complete responsive information to this Interrogatory, the discovery processes and Union Carbide's own investigation into this matter remains ongoing. Union Carbide Corporation therefore reserves its right to supplement this response if Union Carbide obtains any additional pertinent information.

Union Carbide states that regarding individuals who have worked in a safety capacity for Union Carbide, there is considerable overlap within the area of Industrial Hygiene. In addition, it was and is Union Carbide's philosophy that each and every department is responsible for the safety of its operations and the department(s) with responsibility for safety issues have usually been combined with other departments. Moreover, certain people have been key personnel in the area of safety at the plant through the years and their positions and departments have been subsequently modified and result, Union Carbide may not be able to provide the names, years of service and exact positions for these employees.

Union Carbide has led the industry with its concern for industrial hygiene and safety, and Union Carbide industrial hygienists have been pioneers in their field. In 1919, less than two years after Union Carbide was created, the National Carbon Company division hired Dr. Girard Cranch as its Medical Director. In that capacity, Dr. Cranch developed and launched health and hygiene programs which were paragons for the industry. In 1937, Dr. Cranch was appointed Manager of the new corporatewide Industrial Toxicology Department. One year later, he also took on the responsibility of Corporate Medical Director. In those capacities, he was instrumental in establishing the Mellon Institute ChemicalHygiene Fellowship, which is renowned for its toxicological studies.

Upon Dr. Cranch's retirement in 1948, the medical and industrial hygiene functions were divided. Oliver Stam succeeded Dr. Cranch as a corporate level industrial hygienist. In 1953, Mr. Stam was succeeded by Paul McDaniel. Upon Mr. McDaniel's retirement, Marvin Huffman served Manger of Risk Assessment Group.. Mr. Timothy J. Cawley has served in that capacity from 1995 until 1998. Since 1998, Mr. Roy Myers has served as Manager of Risk Assessment Group.

In addition, in the early 1960s Drs. Carl Dernehl and K. S. Lane of Union Carbide 's Medical Department were given the corporate positions of Director and Assistant Director of Toxicology, respectively.

For an extensive period of time, all major Union Carbide facilities employ an industrial hygienist and industrial hygiene staff on the premises. Industrial Hygienists report, ultimately, to the Vice President for Health, Safety, and Environment, who is also responsible for establishing corporate HS&E standards and for assessing business group performance against those standards and applicable governmental requirements. Presently, Ron J. Cottle serves as Vice President Health,

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 36 of 79 asbestosclaims.law/library/17065/36

Safety and Environment.

Union Carbide's various divisional employ Industrial Hygienist for their respective facilities and premises. Ronald Van Mynen currently serves as Vice President in care of Union Carbides' Health, Safety and Environmental Dept. which is primarily responsible for establishing corporate HS & EP standards, and for assessing business groups performance against those standards and applicable governmental requirements. During the period of the Calidria business, Dr. Harrison Rhodes, and industrial hygienist, supervised Union Carbide's dust count program. Union Carbide's various divisions employ Industrial Hygienists for their respective facilities and premises. C. C. Smith currently serves as Vice President in charge of Union Carbide's Community and Employee Health, Safety and Environmental Protection Department which is primarily responsible for establishing corporate HS&EP standards and for assessing business group performance against those standards and applicable governmental requirements.

REQUEST FOR ADMISSION NO. 33:

Admit that asbestos containing materials are still in use on Defendant's Premises.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 33[sic]:

Admit that asbestos containing materials are no longer in use on Defendant's Premises.

RESPONSE: Union Carbide objects to this Request on grounds that the use of the terms "in use" vague, unclear and undefined. Subject thereto, admitted.

INTERROGATORY NO. 14:

State the date when Defendant ceased to use asbestoscontaining products, indicating the first year each type of product was no longer purchased and/or installed.

ANSWER: 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. Furthermore, Union Carbide objects to this

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 37 of 79 asbestosclaims.law/library/17065/37

Interrogatory to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Subject thereto, Union Carbide responds as follows:

Union Carbide used asbestos-containing products over an extensive period of time, in variety of industrial units. Union Carbide began discontinuing the use of asbestos-containing products well over twenty-five years ago and as such, will be unable to produce an all-inclusive list of products by brand name, the location where these products may have been purchased or no longer purchased, used or no longer used or applied or no longer applied, or the time period in which they were present or no longer present.

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 15:

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

ANSWER: Please refer to Union Carbide's Answers to Interrogatories Nos. 4 and 5, including all of the objections set forth therein.

INTERROGATORY NO. 16:

State whether any asbestos products in place or in use have been removed or abated from Defendant's Premises. If so, list each and every abatement company or other contractor involved with the removal of asbestos, including, address and telephone number, dates and particular locations of such removal.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it has not been limited in time or scope, and as such, 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 on grounds that it is overly broad and unduly burdensome. Union Carbide has not been provided with sufficient information regarding Phillip Lake's work history, to enable Union

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 38 of 79 asbestosclaims.law/library/17065/38

Carbide to accurately respond to this Interrogatory. Therefore, without additional information, Union Carbide states that the time consuming, costly nature of this burden of production, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents pertaining to the abatement of asbestos during the relevant years at issue. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Interrogatory may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 17:

If you contend that you have not been negligent towards Plaintiff Decedent, as Plaintiff has alleged in Plaintiff's Original Petition and any amendments thereto, state in full the basis for this contention and describe all regulations, laws, statutes, or other authority including internal procedures relating to asbestos that you have relied upon in making this contention.

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

Please refer to Union Carbide's Answer and any amendments thereto. Please refer to Union Carbide's Response to Request for Production No. 30, and Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6 including all of the objections set forth therein.

INTERROGATORY NO. 18:

If Defendant has ever been a member of any trade organization that published or disseminated any documents or information relating to asbestos, state the names of such organizations and list the dates of membership.

ANSWER: Union Carbide objects to this Interrogatory to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, a particular plant or premises and as

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 39 of 79 asbestosclaims.law/library/17065/39

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 Corporation may presently lack the availability of complete responsive information to this Interrogatory, the discovery processes and Union Carbide's own investigation into this matter remains ongoing. Union Carbide Corporation therefore reserves its right to supplement this response if Union Carbide obtains any additional pertinent information.
Over the years, Union Carbide was a member and/or participated in the following organizations:

The Industrial Health Association:
Based upon the best information currently available, Union Carbide was a member of this organization during the 60's and 70's.

The Asbestos Information Association of North America:
Based upon the best information currently available, Union Carbide was a member of this organization during the 70's.

The American Conference of Governmental Industrial Hygienists:
Union Carbide states that based upon the best information currently available, the dates surrounding Union Carbide's membership and/or participation in the American Conference of Government Industrial Hygiene are unknown at this time.

The American Industrial Hygiene Association:
Based upon the best information currently available, Union Carbide may have participated in this organization during the late 60's and 70's.

The National Safety Council:
Based upon the best information currently available, Union Carbide may have participated in this organization at some point in time during the 50's, 60's.

The Industrial Hygiene Foundation:
Based upon the best information currently available, Union Carbide was a member of this organization during the 50's and 60's.

American Petroleum Institute:
Based on the best information currently available, Union Carbide was at some point in time a member of this organization, but the exact dates of membership are currently unknown.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 40 of 79 asbestosclaims.law/library/17065/40

Union Carbide further states that it will make all responsive documents pertaining to Union Carbide's membership and/or participation in the various trade associations referenced above available to the requesting party for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 19:

Identify every individual ever employed by Defendant who has made or presented a Worker's Compensation or other claim for personal injury or death resulting from inhalation of asbestos. Include in your response the date of any such claims and a description of the injury alleged.

ANSWER: Union Carbide objects to this Interrogatory on the grounds that it is overly broad 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 Interrogatory. Additionally, Union Carbide objects to this Interrogatory to the extent that it assumes facts which are not in evidence. Subject thereto Union Carbide responds as follows:

Union Carbide states that it does not know the year in which the first workers compensation claim for an asbestos related disease was filed. Union Carbide does not make the contention that it knows each person, that has ever worked on each and every Union Carbide premises. Therefore, based on all of the best information currently available, Union Carbide cannot specify the amount, if any, of workers compensation asbestos related claims which may have been filed over the years. Union Carbide states that it is attempting to search for the existence of Union Carbide workers compensation records to the extent that such records exist, and will supplement this answer upon the receipt of any additional relevant information.

INTERROGATORY NO. 20:

State whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff's Decedent. If so, indicate what records of such program, examination or surveillance concerning Plaintiff's Decedent exist at this time, including, but not limited to reports, xrays, medical notes and/or descriptions of any kind.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it has not been limited in time or scope, nor has it been confined to the subject-matter made the underlying basis of this lawsuit, and as such this Interrogatory 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 trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 41 of 79 asbestosclaims.law/library/17065/41

Around1950, Union Carbide instituted a program whereby chest x-rays were made available to the employees at the company's expense. This was originally accomplished as part of a periodic physical examination offered on a voluntary basis to all employees by the plant medical department. In December 1969, the x-rays were continued as a component of Multiphasic Health Screening, offered to all employees, again on a voluntary basis, every two years.
Pursuant to OSHA, in the early 1970's, Union Carbide implemented a program to identify employees who had been or were being exposed to asbestos. Any employee so identified was provided an annual asbestos review. Such review consisted of the following:

An asbestos survey questionnaire to be completed;
A chest x-ray was taken; and
A physical examination was conducted, which included an EKG, blood work up and urine analysis. As a result of this review, if an asbestosrelated disease was diagnosed, the employee was so informed. In certain circumstances, the employee may have been referred to a pulmonary specialist of his/her choice for further examination.
Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Interrogatory may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 21:

State the year you first learned that persons could suffer physical injury through the inhalation of asbestos fibers and how Defendant became aware of the existence of asbestos hazards. Further, identify any documents that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it has not been reasonably limited in time, scope or for that matter Union Carbide further objects to this Interrogatory to the extent that it is overly broad, vague and as a result calls for speculation. Subject thereto, Union Carbide responds as follows: UCC's knowledge concerning the potential health hazards which have possibly been associated with, in some cases, excessive exposure to asbestos fiber inhalation, developed gradually and it is therefore impossible to state precisely when and how this information was acquired. According to the best information currently available, Union Carbide's knowledge concerning the potential health hazards which, in some cases, have possibly been associated with excessive exposure to asbestos fiber inhalation developed gradually and as a result, it is impossible to state precisely when and how this information was ultimately acquired. Union Carbide is aware that the following sources of asbestos related information contributed to Union Carbide's

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 42 of 79 asbestosclaims.law/library/17065/42

knowledge of the potential hazards of excessive asbestos exposure: Union Carbide's participation in various trade association conferences and meetings, the development of OSHA and other government related information and programs in regard to asbestos, general and scientific published literature throughout the years, and corporate research, reports and memoranda developed by or for Union Carbide employees.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request 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 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. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document relating to communications between Union Carbide and any manufacturer of asbestoscontaining products concerning or related to the asbestos contained in such products., substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 43 of 79 asbestosclaims.law/library/17065/43

not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request 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 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. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document relating to documents which would indicated that asbestos fibers, when inhaled can be hazardous, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request 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 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. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document which might be responsive to this Request, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 44 of 79 asbestosclaims.law/library/17065/44

derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 41:

Produce any and all documents, memoranda and/or other writings that indicate and/or reflect or refer 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 job sites, including but not limited to written reports produced by such agency. This request specifically seeks any and all such documentation referring to dust hazards.

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996).

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996).

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 45 of 79 asbestosclaims.law/library/17065/45

that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 43:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request 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 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. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document which might be responsive to this Request, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide Corporation may presently lack the availability of complete responsive information to this Request, the discovery processes and Union Carbide's own investigation into this matter remains ongoing. Union Carbide Corporation therefore reserves its right to supplement this response if Union Carbide obtains any additional pertinent information.

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 44:

Produce all documents, memoranda, and/or other writings that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at any of Defendant's facilities.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 46 of 79 asbestosclaims.law/library/17065/46

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope or to a particular Union Carbide premises, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request 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 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. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document which might be responsive to this Request, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide Corporation may presently lack the availability of complete responsive information to this Request, the discovery processes and Union Carbide's own investigation into this matter remains ongoing. Union Carbide Corporation therefore reserves its right to supplement this response if Union Carbide obtains any additional pertinent information.

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope or to a particular Union Carbide premises, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of locating, much less producing each and every document which might be responsive to this Request, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 47 of 79 asbestosclaims.law/library/17065/47

information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 48:

Produce any and all documents related to the medical condition of Plaintiff's Decedent at any time during his employment by Defendant and/or Defendant's subsidiary. This request specifically includes all xrays, xray reports, medical notes and/or medical records of any kind, including annual physical forms.

RESPONSE: To the extent that such documentation exists, it will be made available to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 47:

Produce the entire personnel file for Alexander Joseph McDonald.

RESPONSE: Union Carbide states that it will make all responsive documentation available to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 48:

Produce all documents that relate to an inquiry made by you to any contractor working at Defendant's Premises at the same time as Defendant's employees which refer, relate or mention the hazards of asbestos, the existence or location of asbestoscontaining materials and/or procedures to follow in the event that work is to be performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestoscontaining materials.

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope or to a particular Union Carbide premises, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996).

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 48 of 79 asbestosclaims.law/library/17065/48

REQUEST FOR PRODUCTION NO. 49:

Produce all documents that relate to an inquiry made by any of your employees to you or to any other entity or individual which refer, relate or mention the hazards of asbestos, the existence or location of asbestoscontaining materials and/or procedures to follow in the event that work is to be or has been performed by your employees, including Plaintiff's Decedent, in the vicinity of asbestoscontaining materials.

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time or scope or to a particular Union Carbide premises, nor, for that matter has this Request been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that, as drafted, this Request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 50:

Produce any and all safety guidelines, specifications and/or other documents provided to Defendant and/or its employees by any other contractors working at Defendant's job sites at the same time as Defendant's employees, including Plaintiff's Decedent, which refer, relate or mention the hazards of asbestos, the existence or location of asbestoscontaining materials and/or procedures to follow in the event that work is to be performed in the vicinity of asbestoscontaining materials.

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 4 and 5, including al of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 51:

Produce any and all safety guidelines, specifications and/or other documents from any source that were provided to Defendant's employees, including Plaintiff's Decedent, which refer or relate or mention the hazards of asbestos, the existence or location of asbestoscontaining materials and/or procedures to follow in the event that work is to be performed by Defendant's employees in the vicinity of asbestoscontaining materials.

RESPONSE: Union Carbide objects to this Request on grounds that it is extremely duplicative and repetitious of numerous prior requests for information.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 49 of 79 asbestosclaims.law/library/17065/49

REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is extremely duplicative and repetitious of numerous prior requests for information.

REQUEST FOR PRODUCTION NO. 53:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of asbestos products in place or asbestos products being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any of Defendant's facilities.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information and as a result, this Request is harassing and oppressive. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 54:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of warning signs or other cautionary statements or statements restricting access to areas in the vicinity of asbestoscontaining products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time at any of Defendant's facilities.

RESPONSE: Union Carbide further objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information and as a result, this Request is harassing and

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 50 of 79 asbestosclaims.law/library/17065/50

oppressive.

REQUEST FOR PRODUCTION NO. 55:

Produce any photographs, videotape, film, slides or other tangible thing graphically depicting images of containment areas or other restricted access areas in the vicinity of asbestoscontaining products or asbestos in place being mixed, applied, fabricated, installed, repaired, maintained, utilized, removed, replaced, or abated at any time at any of Defendant's facilities.

RESPONSE: Union Carbide further objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information and as a result, this Request is harassing and oppressive.

REQUEST FOR PRODUCTION NO. 56:

Produce any documents, including but not limited to workers compensation claims, indicating that any individuals claimed injury as a result of exposure to asbestos products while employed by you.

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

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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. 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 according to the best information currently available, there are no documents which exist, that might be responsive to the full breadth of this overly broad request. Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 51 of 79 asbestosclaims.law/library/17065/51

information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 58:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase of respirators, protective clothing, containment materials, or other protective devices for use by Defendant's employees who were to be working in the vicinity of asbestoscontaining products during the course and scope of their employment duties.

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 6, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 60:

Produce any and all records, documents, memoranda or other writings reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts" at any of Defendant's facilities or at any of Defendant's job sites.

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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. 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 maintains a repository of asbestos related documents, including those documents that pertain to "dust counts." Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 52 of 79 asbestosclaims.law/library/17065/52

place and time.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplcative and repetitious of numerous prior requests for information. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the burden of producing each and every study and dust count taken at each and every Union Carbide premises, in light of Plaintiffs failure to confine the scope of this Request to matters which are relevant to the lawsuit of Alexander McDonald, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:
Please refer to Union Carbide's Response to Request for Production No. 60, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 62:

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

RESPONSE: Union Carbide states that to the extent that it is required by the Texas Rules of Civil Procedure and/or any applicable scheduling order, Union Carbide will make all responsive information available to the requesting party for inspection at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Union Carbide objects to the overly broad nature of this Request on grounds that it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this request because it is vague and does not describe

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 53 of 79 asbestosclaims.law/library/17065/53

specific documents or specific categories of documents with reasonable particularity in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. 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. 64:

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

RESPONSE: Union Carbide objects to the overly broad nature of this Request on grounds that it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents with reasonable particularity in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. 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. Subject thereto, Union Carbide responds as follows:

Union Carbide states that to the extent that it is required by the Texas Rules of Civil Procedure and/or any applicable scheduling order, Union Carbide will make all responsive information available to the requesting party for inspection at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 65:

Produce any and all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to crossexamine 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 the overly broad nature of this Request on grounds that it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 54 of 79 asbestosclaims.law/library/17065/54

REQUEST FOR PRODUCTION NO. 66:

Produce 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.

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information.

REQUEST FOR PRODUCTION NO. 67:

Produce all documents which reflect an agreement between Defendant and any of Defendant's customers to indemnify and hold harmless any individual or entity for injuries sustained by Defendant's employees, including Plaintiff's Decedent, at any of Defendant's Premises between 1955 and 1979.

RESPONSE: Union Carbide objects to the overly broad nature of this Request on grounds that it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 68:

Produce all documents which reflect any discussion concerning the exercise of control over Defendant's employees, including Plaintiff's Decedent, over the work of Defendant's employees, or over the safety practices of Defendant's employees while such employees were performing their duties within the course and scope of their employment at Defendant's Premises between 1950 and 1978.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, undefined and unintelligible. Union Carbide objects to the overly broad nature of this Request on grounds that it has not been limited to a particular Union Carbide premises, nor has this Request been confined to the subject matter forming the basis for this lawsuit, and as such it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 55 of 79 asbestosclaims.law/library/17065/55

REQUEST FOR PRODUCTION NO. 69:

Produce all documents which reflect any discussion concerning the exercise of control over or monitoring of the use of respirators, protective clothing or other protective equipment by Defendant's employees, including Plaintiff's Decedent, while such employees were performing their duties within the course and scope of their employment at Defendant's Premises between 1950 and 1978.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, undefined and unintelligible. Union Carbide objects to the overly broad nature of this Request on grounds that it has not been limited to a particular Union Carbide premises, nor has this Request been confined to the subject matter forming the basis for this lawsuit, and as such it constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 70:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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. 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. Union Carbide further objects to this request because it is vague and does not describe 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).

REQUEST FOR ADMISSION NO. 34:

Admit that Plaintiff filed suit against Defendant within two (2) years of the date of Plaintiff's Decedent's death.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 56 of 79 asbestosclaims.law/library/17065/56

RESPONSE:

Union Carbide is without sufficient information to admit or deny this request. Thus, the same is denied requiring strict proof by Plaintiff.

REQUEST FOR ADMISSION NO. 35:

Admit that the 3hour timeweighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent was exposed exceeded five fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every time-weighted airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 71:

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

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

REQUEST FOR ADMISSION NO. 36:

Admit that you did not measure the 3hourtimeweighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedemt[sic] was exposed while in your employ.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 57 of 79 asbestosclaims.law/library/17065/57

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every measurement of the time-weighted airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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 Carbide's 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. 37:

Admit that the 8hour timeweighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent was exposed exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every measurement of the time-weighted airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 58 of 79 asbestosclaims.law/library/17065/58

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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 Carbide's 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 you did not measure the 8hour timeweighted average airborne concentrations of asbestos fibers to which Plaintiff's Decedent was exposed while in your employ.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every measurement of the time-weighted airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 74:

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

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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 59 of 79 asbestosclaims.law/library/17065/59

REQUEST FOR ADMISSION NO. 39:

Admit that while in your employ, Plaintiff's Decedent was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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 Carbide's 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 you did not measure airborne concentrations of asbestos fibers in Plaintiff's Decedent's work area to determine whether Plaintiff's Decedent was exposed to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air while in your employ.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every measurement of the airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 60 of 79 asbestosclaims.law/library/17065/60

every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. KMart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). 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 Carbide's 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. 41:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: isolation.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 77:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 61 of 79 asbestosclaims.law/library/17065/61

REQUEST FOR ADMISSION NO. 42:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: enclosure.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 43:

Admit that you did not employ the following engineering control in Plaintiff's Decedent's place of employment: exhaust ventilation.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 79:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 44:

Admit that you did not provide and require the use of the following special clothing by Plaintiff's

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 62 of 79 asbestosclaims.law/library/17065/62

Decedent: overalls or similar whole body clothing.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 45:

Admit that you did not provide and require the use of the following special clothing by Plaintiff's Decedent: head coverings.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 81:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 46:

Admit that you did not provide and require the use of the following special clothing by Plaintiff's Decedent: gloves.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 63 of 79 asbestosclaims.law/library/17065/63

known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 82:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 47:

Admit that you did not provide and require the use of the following special clothing by Plaintiff's Decedent: foot coverings.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 48:

Admit that you did not undertake the laundering of Plaintiff's Decedent's work clothing worn during your employ.

RESPONSE: Union Carbide states that a reasonable inquiry has been made, but that the information known or easily obtainable regarding the work history and the alleged conditions of employment of Alexander McDonald, is insufficient to enable the responding party to admit or deny. Subject thereto, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 64 of 79 asbestosclaims.law/library/17065/64

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 49:

Admit that you did not make determinations of airborne concentrations of asbestos fibers in Plaintiff's Decedent's place of employment by the membrane filter method at 400450X (magnification) (4 millimeter objective) with phase contrast illumination.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every device utilized to make a determination of the level of airborne concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide, is insufficient to enable the responding party to admit or deny this Request with specificity. Union Carbide states generally, that according to the best information available, that all measurements of asbestos fiber concentration were performed using the most current state-of-the-art monitoring device. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 50:

Admit that you did not monitor every place of employment of Plaintiff's Decedent where asbestos fibers were released in such a way as to determine whether Plaintiff's Decedent's exposure to asbestos fibers was below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every measurement which was taken of each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 65 of 79 asbestosclaims.law/library/17065/65

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has failed to specify with reasonable particularity the types of documents sought to be discovered in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 51:

Admit that you did not collect samples from within the breathing zone of the Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity mounted in an openface filter holder.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every method of measurement taken of each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 87:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has failed to specify with reasonable particularity the types of documents sought to be discovered in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 52:

Admit that you did not collect samples (from within the breathing zone of Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity in an openface filter holder) of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees, including

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 66 of 79 asbestosclaims.law/library/17065/66

Plaintiff's Decedent.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every manner and method of measurement taken of each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 88:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide objects to this Request on grounds that it has failed to specify with reasonable particularity the types of documents sought to be discovered in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 53:

Admit that you did not collect samples (from within the breathing zone of the Plaintiff's Decedent on membrane filters of 0.8 micrometer porosity mounted in an openface filter holder) at intervals of 6 months or less.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every manner and method of measurement taken of each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 67 of 79 asbestosclaims.law/library/17065/67

REQUEST FOR PRODUCTION NO. 89:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition.

REQUEST FOR ADMISSION NO. 54:

Admit that you did not collect samples from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff's Decedent during his employ.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every manner and method of measurement taken of each and every concentration of asbestos fibers to which Alexander McDonald was exposed, at each and every premises upon which he was present during his tenure with Union Carbide is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 90:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 68 of 79 asbestosclaims.law/library/17065/68

REQUEST FOR ADMISSION NO. 55:

Admit that you did not collect samples (from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff during his employ) of such frequency and pattern as to present with reasonable accuracy the levels of exposure of the Plaintiff's Decedent.

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Please refer to Union Carbide's Response to Request for Admission No. 54, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 91:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition.

REQUEST FOR ADMISSION NO. 56:

Admit that you did not collect samples (from areas of a work environment which were representative of the airborne concentrations of asbestos fibers, which may have reached the breathing zone of Plaintiff's Decedent during his employ) at intervals equal to or less than 6 months.

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Please refer to Union Carbide's Response to Request for Admission No. 54, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 92:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 69 of 79 asbestosclaims.law/library/17065/69

Request constitutes an impermissible fishing expedition.

REQUEST FOR ADMISSION NO. 57:

Admit that you did not provide and display caution signs at each location where Plaintiff's Decedent worked in which airborne concentrations of asbestos fibers may have exceeded of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and confusing. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition. Union Carbide states that a reasonable inquiry has been made, but the information known or easily obtainable regarding each and every premises upon which Alexander McDonald was present during his tenure with Union Carbide and each and every airborne concentration of asbestos at each and every location during the relevant time period at issue, is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 93:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information. Union Carbide objects to this Request on grounds that it has not been confined to a particular time period or Union Carbide premises, and as a result this Request constitutes an impermissible fishing expedition.

REQUEST FOR ADMISSION NO. 58:

Admit that you did not provide and display caution signs at each location where Plaintiff's Decedent worked in which airborne concentrations of asbestos fibers may have exceeded two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: 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. Subject thereto, please refer to Union Carbide's Response to Request for Admission No. 57, including all of the objections set forth therein.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 70 of 79 asbestosclaims.law/library/17065/70

REQUEST FOR PRODUCTION NO. 94:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information.

REQUEST FOR ADMISSION NO. 59:

Admit that you did not post caution signs at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular Union Carbide premises during a particular time period, with the result being that Union Carbide is called upon to speculate as to whether or not it possesses a sufficient amount of information to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 95:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 60:

Admit that you did not post caution signs at all approaches to areas containing concentrations of airborne asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been confined to a particular Union Carbide premises during a particular time period, with the result being that Union Carbide is called upon to speculate as to whether or not it possesses a sufficient amount of information to admit or deny this Request with specificity. Subject thereto, denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 71 of 79 asbestosclaims.law/library/17065/71

REQUEST FOR PRODUCTION NO. 96:

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

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 61:

Admit that you did not maintain records of any personal monitoring of the breathing zone of Plaintiff's Decedent.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope, or for that matter to a particular plant or Union Carbide premises, and as such constitutes an impermissible fishing expedition. Union Carbide objects to the use of the term "breathing zone" on grounds that it is overly broad, vague and undefined. Union Carbide states that it has maintained the records of countless instances of dust monitoring, but that without the benefit of knowing which records Plaintiffs are referring to, Union Carbide is called upon to speculate as to which "breathing zone" Plaintiffs are referring. Subject thereto, it is denied.

REQUEST FOR PRODUCTION NO. 97:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and does not describe 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. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents pertaining dust monitoring. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Interrogatory may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request,

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 72 of 79 asbestosclaims.law/library/17065/72

Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 62:

Admit that you did not maintain records of any decision you made to forego personal monitoring of the breathing zone of Plaintiff's Decedent.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope, or for that matter to a particular plant or Union Carbide premises, and as such constitutes an impermissible fishing expedition. Union Carbide objects to the use of the term "breathing zone" on grounds that it is overly broad, vague and undefined. Union Carbide further objects to this Request on grounds that it presumes that Union Carbide contends that it made a decision to forego personal monitoring, and as such, this Request is offensive, unfounded and beyond the scope of discovery. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 98:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and does not describe 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. Subject thereto, Union Carbide responds as follows:

Union Carbide maintains a repository of asbestos related documents, including those documents pertaining dust monitoring. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Interrogatory may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 73 of 79 asbestosclaims.law/library/17065/73

REQUEST FOR ADMISSION NO. 63:

Admit that you did not maintain records of any monitoring of every place of employment of Plaintiff's Decedent where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

RESPONSE: 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 Plaintiffs have failed to confine the scope of this Request to any particular Union Carbide plant or premises, during any particular period of time, with the result being that Union Carbide is called upon to speculate as to whether or not it possesses a sufficient amount of information to enable it to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 99:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records pertaining to such monitoring.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 98, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 64:

Admit that you did not maintain records of any decision to forego monitoring of every place of employment of Plaintiff's Decedent where asbestos fibers are released in such a way as to determine whether every employee's exposure to asbestos fibers is below two fibers, longer than 5 micrometers, per cubic centimeter of air.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 74 of 79 asbestosclaims.law/library/17065/74

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of countless prior Requests for Admission. Please refer to Union Carbide's Response to Requests for Admission Nos. 62 and 63, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 100:

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. 98, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 65:

Admit that you did not notify Plaintiff's Decedent in writing that he had been exposed to airborne concentrations of asbestos fibers in excess of two fibers, longer than 5 micrometers, per cubic centimeter of air as soon as was practicable but not later than 5 days of the finding.

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 101:

If you deny the foregoing request, in while or in part, produce all documents supporting your denial, including but not limited to such written notifications.

RESPONSE: Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior requests for information.

REQUEST FOR ADMISSION NO. 66:

Admit that you did not provide to Plaintiff's Decedent or make available to him at your cost, medical examinations relative to exposure to asbestos.

RESPONSE: Denied.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 75 of 79 asbestosclaims.law/library/17065/75

REQUEST FOR PRODUCTION NO. 102:

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

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

REQUEST FOR ADMISSION NO. 67:

Admit that you did not provide or make available to Plaintiff's Decedent, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which included, as a minimum, a chest roentgenogram (posterioranterior 14x17 inches), a history to elicit symptomatology of respiratory disease and pulmonary function tests to include forced vital capacity (FVC) and force expiratory volume at 1 second.

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 103:

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

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

REQUEST FOR ADMISSION NO. 68:

Admit that you did not provide, or make available to Plaintiff's Decedent, comprehensive medical examinations on at least an annual basis that included, as a minimum, a chest roentgenogram (posterioranterior 14x17 inches), a history to elicit etiology of respiratory disease and pulmonary

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 76 of 79 asbestosclaims.law/library/17065/76

function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second.

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 104:

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

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

REQUEST FOR ADMISSION NO. 69:

Admit that you did not provide, or make available, within 30 calendar days before or after the termination of Plaintiff's Decedent's employment, a comprehensive medical examination which included, as a minimum, a chest roentgenogram (posterioranterior 14x17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEVADVANCE \d31.0ADVANCE \u3).

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 105:

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

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

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 77 of 79 asbestosclaims.law/library/17065/77

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

REQUEST FOR ADMISSION NO. 70:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of all comprehensive medical examinations of Plaintiff's Decedent which included, as a minimum, a chest roentgenogram (posterioranterior 14x17 inches), a history to elicit symptomology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEVADVANCE \d31.0ADVANCE \u3).

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

REQUEST FOR PRODUCTION NO. 106:

If you deny the foregoing request, in whole or in part, produce all documents supporting your denial, including but not limited to the records of the examinations.

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

REQUEST FOR ADMISSION NO. 71:

Admit that you did not maintain and retain for at least 20 years complete and accurate records of your decision to forego providing or making available to Plaintiff's Decedent comprehensive medical examinations of Plaintiff which included, as a minimum, a chest roentgenogram (posterioranterior 14x17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEVADVANCE \d31.0ADVANCE \u3).

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but the information known or easily obtainable is insufficient to enable to the responding party to admit or deny this Request with specificity.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 78 of 79 asbestosclaims.law/library/17065/78

REQUEST FOR PRODUCTION NO. 107:

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

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

Please refer to Union Carbide's Answers to Interrogatory Nos. 4, 5 and 6, including all of the objections contained therein.

Union Carbide trial exhibit UC-2039: Union Carbide Corporation's Objections and Answers to Plaintiff's First Interro... Published by AsbestosClaims.Law
ACL Doc 17065 · Page 79 of 79 asbestosclaims.law/library/17065/79