PLAINTIFF'S EXHIBIT

UC-2040

NO. 98-4-13362

EUGENE A. REHAK, ET AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	CALHOUN COUNTY, TEXAS
	§	
OWENS-CORNING FIBERGLAS CORPORATION, ET AL.	§	135TH JUDICIAL DISTRICT

UNION CARBIDE'S THIRD AMENDED ANSWERS TO INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION

TO: Plaintiff, WILLIAM P. WERZECHA, by and through his attorney of record, Mr. Russell Budd, Baron & Budd, P.C., 3102 Oak Lawn Ave., Dallas, Texas 75219.

COMES NOW, UNION CARBIDE CORPORATION D/B/A UNION CARBIDE CHEMICALS AND PLASTICS, INC., and files these Third Amended Answers and Objections to Plaintiffs' First Set of Interrogatories and Request for Production.

Respectfully submitted,

POWERS & FROST, L.L.P.

Gwen Frost /LHG

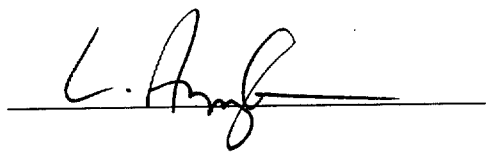
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CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing document has been forwarded to Plaintiffs' counsel of record via certified mail, return receipt requested, on this the 6th of June, 2001.



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GENERAL OBJECTIONS

GENERAL OBJECTION NO. 1:

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

GENERAL OBJECTION NO. 2:

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

GENERAL OBJECTION NO. 3:

Union Carbide also objects to all Interrogatories, Request for Production and First Request for Admissions insofar as they would require the disclosure of information protected by the attorney-client privilege or work product doctrines.

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GENERAL OBJECTION NO. 4:

Union Carbide objects to this entire set of Interrogatories, Request for Production and First Request for Admissions to the extent that they call for information about Union Carbide employees or premises, or policies pertaining to Union Carbide employees or premises other than Seadrift, TX. Inasmuch as the plaintiffs do not allege that they or their decedents were ever employed by Union Carbide or worked at any job site controlled by Union Carbide other than Seadrift, TX, such information is irrelevant and immaterial to matters at issue in this case. Any pertinent information which the employee or premises information can be said to reflect can be requested directly without requesting the irrelevant and immaterial information or documentation about employees or premises.

UNION CARBIDE'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION, REQUESTS FOR ADMISSION AND INTERROGATORIES

INTERROGATORY NO. 1:

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

RESPONSE: Union Carbide Corporation objects to this Interrogatory on grounds that it is overly broad and unduly burdensome and the burden of answering this Interrogatory substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide Corporation further objects to this Interrogatory to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 1:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 2:

Admit that asbestos-containing products, asbestos-containing friction products, and/or machinery requiring the use of asbestos or asbestos-containing products were utilized on Defendant's Premises between the years 1959 and 1978.

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

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in which, according to the Plaintiff's work history, Plaintiff was present at Union Carbide's Seadrift facility.

INTERROGATORY NO. 2:

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

1. What these products were used for
2. From whom these products were purchased
3. Where these products were installed
4. Specific persons or contractors who installed these products
5. The first year each product was no longer installed on Defendant's Premises.

RESPONSE: Union Carbide objects to this Interrogatory to the extent that it seeks a year-by-year listing of all the various asbestos products utilized by Union Carbide at the Seadrift facility on grounds that it is overly broad and unduly burdensome and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that it has not been confined to the subject matter of this lawsuit and as a result this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). 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 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

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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. According to the best information currently available, it is believed that over the years, the following manufacturers sold products to both Union Carbide and the various contractors working on the premises of the Seadrift facility: Johns-Manville, Owens-Corning, Pittsburgh Corning Benjamin Foster, Eagle Pitcher, and Rubberoid. Union Carbide will make all documents which might be responsive to the full breadth of this overly broad Interrogatory available to the requesting party for inspection and duplication at a mutually agreeable place and time.

Union Carbide states further, that according to the best information currently available, over the years, various contractors worked on the premises of Union Carbide's Seadrift facility, and as a result Union Carbide will be unable to ascertain the identity of each and every person responsible for the installation of asbestos containing insulation. Union Carbide states that over the years, both Union Carbide and various independent contractors were responsible for the installation of asbestos-containing products. Union Carbide states that according to the best information currently available, Brown & Root was responsible for a majority of the contract work performed on the premises of the Seadrift facility.

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

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REQUEST FOR PRODUCTION NO. 2:

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

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

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

REQUEST FOR ADMISSION NO. 3:

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

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

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conditions of his alleged employment, if any, may have been, is insufficient to enable the responding party to admit or deny. Subject to its objections, it is admitted.

INTERROGATORY NO. 3:

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

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

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

Over the years, Union Carbide has conducted extensive abatement activities at the Seadrift facility. The services of various independent contractors, such as Brown & Root and Service Abatement Company, have been utilized during the on-going performance of asbestos abatement. Union Carbide states that all responsive documents and/or other materials will be made available for inspection and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 3:

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

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RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 3, including all of the objections set forth therein. In addition Union Carbide objects to this Request on the grounds that it is vague, overly broad, and unduly burdensome, and the costly, time consuming and oppressive nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed. Furthermore, Union Carbide objects on grounds that this Request seeks information, which has not been limited in time or geographic scope, and as a result, this Request seeks information beyond the scope of discovery.

REQUEST FOR ADMISSION NO. 4:

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

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

REQUEST FOR PRODUCTION NO. 4:

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

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

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REQUEST FOR PRODUCTION NO. 5:

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

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

REQUEST FOR PRODUCTION NO. 6:

Produce all records identifying contractors and/or the employees of contractors who were on your premises between the dates 1959 and 1978, including but not limited to sign-in logs, gate records, visitor's logs, identification badge logs and procedures, and other documents of a similar nature.

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. Subject to its objections, Union Carbide responds as follows:

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

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place and time.

INTERROGATORY NO. 4:

Identify the contractors who worked on your premises between the years 1959 and 1978 and for each, state:

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

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

Please refer to Union Carbide's Answer to Interrogatory No. 2, contained herein.

Over the years, the Seadrift facility employed various contractors to perform virtually every aspect of the plants numerous operations, and as a result Union Carbide is unable to identify every contractor, which worked at the Seadrift facility between 1959-78. Union Carbide states that according to the best information currently available, Brown & Root was responsible for a majority of the contract work performed on the premises of the Seadrift facility.

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REQUEST FOR PRODUCTION NO. 7:

Produce the contract documents pertaining to the contractors who performed services on Defendant's Premises between the years 1959 and 1978, including but not limited to, invitations to bid, requests for proposals, bids, proposals, scope of work, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, and other contract documents of a similar nature.

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. In addition, Union Carbide objects to this Request on grounds that it calls for speculation. Subject to its objections, Union Carbide responds as follows:

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

INTERROGATORY NO. 5:

Identify each employee who was responsible for allowing contractor employees access to Defendant's Premises between the years 1959 and 1978.

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

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

REQUEST FOR ADMISSION NO. 5:

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

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

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE: Union Carbide states that according to the best information currently available, Defendant has made a reasonable inquiry but has been unsuccessful in its efforts to ascertain whether or not Plaintiff was actually ever present on the premises of the Seadrift plant. Therefore, at this time

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Defendant states that no items have been identified, after a diligent search, that are responsive to this Request.

INTERROGATORY NO. 6:

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

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

The discovery process and Union Carbide's own investigation in regard to this lawsuit remain on going. Union Carbide will not have any information regarding the extent, if any, of the alleged exposure until discovery has been accomplished and/or completed. Union Carbide states further subject to its objections, that due to the lack of available information regarding Plaintiff, Union Carbide cannot make any contentions about where Plaintiff may have worked and what he may have been exposed to, if anything, while working. Union Carbide does not admit that plaintiff was exposed to asbestos while at the Seadrift facility, if in fact he worked at that location. Union Carbide further refers Plaintiff to its Answer and any amendments thereto, as well as the general statements contained in Union Carbides Objections to Definitions and Instructions, which indicate that these responses pertain to Union Carbide's Seadrift facility only. Additionally, Union Carbide

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has no documentary evidence or information of any nature from its own employees or contractors that the Plaintiff was so exposed.

Furthermore, Union Carbide states despite Plaintiff's overwhelmingly unfounded contentions, Union Carbide does not own or operate a facility in Pasadena, Texas, nor is it readily apparent from Plaintiff's work history, that Plaintiff ever worked in Pasadena, Texas.

REQUEST FOR ADMISSION NO. 6:

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

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

REQUEST FOR PRODUCTION NO. 9:

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

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

REQUEST FOR ADMISSION NO. 7:

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

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

REQUEST FOR ADMISSION NO. 8:

Admit that in 1959, Defendant was aware that airborne asbestos dust created a potential health hazard to those who breathed such dust.

RESPONSE: Union Carbide is unable to truthfully admit or deny this request with specificity, because within this Request, there exists no component which quantifies the exposure to enable Union Carbide to make such a contention at this time. Subject thereto, 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 the extent the request seeks all documents supporting Union Carbide's contentions or allegations and improperly requires Defendant to marshal evidence. Union Carbide further objects to this Request on grounds that it fails to identify with reasonable particularity the particular items sought to be produced or inspected, with the result being that Union Carbide is called upon to speculate as to what documents if any might be responsive to the full breadth of this vague and overly broad Request.

REQUEST FOR ADMISSION NO. 9:

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

RESPONSE: Union Carbide states that it can neither admit nor deny this Request, as drafted, with any degree of specificity on grounds that the information known or easily obtainable is insufficient

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to establish if and/or when Plaintiff worked at the Seadrift facility. Union Carbide is called upon to speculate as to whether or not it has enough reliable information regarding Plaintiff's work history to make a definitive statement in response to this Request. Subject to its objections, Union Carbide states that it was generally aware of the presence of asbestos containing products at the Seadrift facility.

REQUEST FOR PRODUCTION NO. 11:

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

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

Union Carbide will make all responsive materials available at a mutually agreeable place and time for inspection and duplication at the expense of the requesting party.

INTERROGATORY NO. 7:

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

RESPONSE: Union Carbide objects to this Interrogatory as it has not been reasonably limited in time or scope, nor has this Interrogatory been reasonably limited to the Seadrift facility where Plaintiff is allegedly claiming exposure. Subject thereto, and without waiving the same, Union

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Carbide responds as follows:

With regard to the time period during which asbestos-containing products were present at the Seadrift facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. As a result, Union Carbide is diligently attempting to conclude its own examination of the Seadrift business records, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Furthermore, Union Carbide's states that its knowledge concerning the health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually. 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 within the Seadrift facility. The specific locations of these signs and dates and length of time these signs were posted is currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the potential adverse effects associated with the excessive inhalation of asbestos fibers in an effort to actively insure that employees and contractors were advised on ways to 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 to 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.

REQUEST FOR PRODUCTION NO. 12:

Produce all such warnings.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, overly broad and

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unduly burdensome, and the oppressive time consuming, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide states that its investigation in this matter remains on going. Upon the conclusion of its examination of the documents and/or other materials pertaining to asbestos, Union Carbide will make all responsive asbestos related warnings available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 10:

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

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

REQUEST FOR PRODUCTION NO. 13:

If you deny the foregoing, produce all such warnings.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 12, including all of the objections set forth therein.

INTERROGATORY NO. 8:

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

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1. When, if ever, Defendant's employees were first warned about the hazards of asbestos exposure, and

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

RESPONSE: Union Carbide objects to this Interrogatory on grounds that it is vague and overly broad. In addition, Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome, and the time consuming, oppressive nature of this burden, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably limited in time, or for that matter to a particular Union Carbide premises or facility, and as a result this Interrogatory, as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

With regard to the time period during which asbestos-containing products were present at the Seadrift facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. As a result Union Carbide is diligently attempting to conclude its own examination of the Union Carbide files, in an effort to discover the existence of some information or documentation which might be pertinent and responsive to the full breadth of this Interrogatory. Furthermore, Union Carbide's knowledge concerning health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually and at some point in time, acting in accordance with the utmost concern for the safety of its own and contractor employees, Union Carbide began posting cautionary warning signs to advise workers of the presence of asbestos and/or asbestos containing materials. Union Carbide believes that these general cautionary warning signs were posted at various locations on the premises of the Seadrift facility. The specific locations of these signs and dates and length of time these signs were posted is

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currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the most current industrial and government knowledge of the potential adverse health effects which could possibly be associated with excessive inhalation of, 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 numerous amounts of contractors which have been present at the Seadrift facility over the years, utilized various safety procedures which were enforced by the respective companies for the benefit of their own employees. According to the best information currently available to Union Carbide, the Seadrift facility developed industrial hygiene, 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. To the extent that the above referenced safety policies and procedures and/or other material can be located, they will be made available to the requesting party for inspection and copying at a mutually agreeable place and time

REQUEST FOR PRODUCTION NO. 14:

Produce all such safety policies.

RESPONSE: Union Carbide objects to this Interrogatory on grounds that it is vague and overly broad. In addition, Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome, and the time consuming, oppressive nature of this burden, substantially outweighs the

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probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably limited to a particular Union Carbide premises or facility, and as a result this Interrogatory, as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

With regard to the time period during which asbestos-containing products were present at the Seadrift facility, Union Carbide states that the discovery process as well as Union Carbide's own investigation into this matter remain on going. To the extent responsive documentation and/or other materials exist and can be located, they will be made available to the requesting party for inspection and copying at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 11:

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

RESPONSE: Denied.

INTERROGATORY NO. 9:

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

RESPONSE: Union Carbide objects to this Interrogatory to the extent that it is repetitious and duplicative of numerous prior requests for information. Additionally, Union Carbide objects to this Interrogatory on grounds that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide

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also objects on grounds that this Interrogatory is vague and calls for speculation. Further, Union Carbide has not been provided sufficient information about the Plaintiff's work history as it pertains to Union Carbide's Seadrift facility to enable Union Carbide to make a determination as to whether or not Plaintiff would have been specifically warned.

INTERROGATORY NO. 10:

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

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

INTERROGATORY NO. 11:

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

1. When the equipment was first provided
2. To whom the equipment was provided
3. Under what circumstances the equipment was provided
4. Further, identify the person with the most knowledge of your "safety equipment" policies.

RESPONSE: Union Carbide objects to this Interrogatory on grounds that the use of the terms "safety equipment" is vague, undefined and unintelligible, with the result being that Union Carbide is called upon to speculate as to what information, if any, might be responsive to this Interrogatory. Union Carbide further objects to this Interrogatory on grounds that it seeks information beyond the scope of the subject matter of this lawsuit, and as drafted, this Interrogatory constitutes an impermissible

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fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably tailored to matters, which are relevant to this lawsuit. In Re American Optical, 988 S.W.2d 711 (Tex. 1998). Subject thereto, Union Carbide responds as follows:

Union Carbide states that according to the best information currently available, the Seadrift facility provided safety equipment to their Union Carbide employees for their protection and maintained several safety policies in regard to the usage of protective devices, for purposes such as respiratory protection. Further, both Union Carbide and all of the various contractors which worked at each of the facilities at issue, utilized safety procedures which were mandatorily enforced by the respective companies for the benefit of their personnel. At this time, it is unknown the exact dates when theses policies were implemented and/or expanded or revised and because Plaintiffs have failed to identify the specific type of safety policy sought to be discovered, Union Carbide will simply make the safety manual which was utilized during the years at issue, available to the requesting party for inspection and duplication at a mutually agreeable place and time.

Union Carbide states that regarding individuals who have worked in a safety capacity for the Seadrift facility, certain people have been key personnel in the area of safety at the plant through the years and their positions and departments have been subsequently modified and as a result, Union Carbide may not be able to provide the names, years of service and exact positions for these employees. Therefore, according to the best information available, the following past and current Union Carbide employees have been identified to the extent that over the years, they have acted in some capacity in the area of safety and would have some knowledge of "safety equipment":

Seadrift Facility

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Larry McMullen, Jack Dermit, Don Deese, Jim Sledge, Tom Brooks, Curtis Hintz, Anna Riveir, Fred Berger, Jose Robles, Larry Kneble, Ernest Hernandez, Marty Gonzalez, Rodney Howell, Cal Jones and Rhonda Woods.

REQUEST FOR ADMISSION NO. 12:

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

RESPONSE: Union Carbide objects to this Request to the extent it seeks information in regard to the Seadrift facility before the time period surrounding the Plaintiff's alleged presence at either plant or for that matter before the Seadrift facility had even been constructed. Union Carbide has made reasonable inquiry and has insufficient information to either admit or deny this request with specificity with regard to the entire time period inquired about. Subject to its objections, Union Carbide responds as follows:

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

INTERROGATORY NO. 12:

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

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

Union Carbide states that over the years, the Industrial Hygiene department at the Seadrift facility performed countless tests and surveys in regard to air sampling and air quality in order to minimize, control or generally avoid dust exposure and in an effort to comply with the existing applicable state, federal and industrial regulations. According to the best information currently available, both Union Carbide and the various independent contractors which were involved over the years, thoroughly conducted surveys and air monitoring in all areas of the plant. The specific date upon which the first asbestos air monitoring test or survey was conducted is currently unknown at this time. Additionally, Union Carbide hired numerous independent contractors with specialized knowledge of industrial hygiene and asbestos monitoring in order to perform sampling throughout each unit and department contained within each of the respective facilities involved in this lawsuit.

Union Carbide states that the discovery process as well as Union Carbide's own investigation into

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this matter remain on-going, and that upon the conclusion of Union Carbide's examination of the applicable industrial hygiene records, Union Carbide will make available for inspection and duplication by the requesting party, any and all responsive dust counts or air studies in its possession which relate to the asbestos monitoring conducted at the Seadrift facility during the years at issue.

INTERROGATORY NO. 13:

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

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

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The discovery process and Union Carbide's own investigation in regard to these matters remain on going. Union Carbide states that according to the best information currently available which indicates that inspections may have been performed at the Seadrift facility, but Union Carbide does not, at this time, know if such studies were ever performed by insurance carriers and/or their agents. Union Carbide will make all responsive documentation and/or other materials available to the requesting party for inspection and copying at a mutually agreeable time and place.

INTERROGATORY NO. 14:

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

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

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

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REQUEST FOR ADMISSION NO. 13:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 15:

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

RESPONSE: Please refer to Union Carbide's Response to Request for Admission No. 13, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it seeks the discovery of all of Union Carbide's good faith contentions and the various documents underlying the basis for said contentions, and as a result this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Subject thereto, Union Carbide responds as follows:

Union Carbide will make all asbestos related safety policies available to the requesting party for copying and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 14:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 16:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Admission No. 14 and Request for Production No. 15, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 15:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Subject thereto, denied.

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REQUEST FOR PRODUCTION NO. 17:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Admission No. 15 and Request for Production No. 15, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 16:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Union Carbide objects to this Request on grounds that it is repetitious and harassing. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 18:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Admission No. 16 and Request for Production No. 15, including all of the objections set forth therein.

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REQUEST FOR ADMISSION NO. 17:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Union Carbide objects to this Request on grounds that it is repetitious and harassing. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 19:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Admission No. 17 and Request for Production No. 15, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 18:

Admit that you did not evacuate the premises prior to the utilization of asbestos-containing materials at the worksites where your employees were using asbestos-containing materials, including worksites where Plaintiff 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, scope or for that matter to a particular plant or premises. Additionally, Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in

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which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Union Carbide objects to this Request on grounds that it is repetitious and harassing. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 20:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Admission No. 17 and Request for Production No. 15, including all of the objections set forth therein.

INTERROGATORY NO. 15:

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

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

INTERROGATORY NO. 16:

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

1. State when this policy was implemented;

2. Describe this policy in detail

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

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

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

Union Carbide states that according to the best information currently available, since the early 1970's in accordance with all of the applicable government, state and industrial standards, the Seadrift facility maintained numerous safety policies in regard to the usage of respiratory devices for the protection against exposure to asbestos dust during the removal of asbestos insulation. Prior to 1970, Union Carbide states that various filter respirators and dust masks were available to those employees, who upon there own volition, requested the use of respiratory protection. In addition, the contractors who worked on the premises of the Seadrift facility, were obligated to provide safety equipment, including respiratory protection, to their own employees in a manner consistent with all applicable 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, as the laws surrounding the use of respiratory protection evolved, and Union Carbide continued to modify and improve its policies and procedures pertaining to respiratory protection in a conscious effort to strictly adhere to all of

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the guidelines and other industrial safety standards of all state, federal and industrial regulations. Union Carbide will make all responsive, non-privileged materials and/or other information pertaining to the respiratory protection program at the Seadrift facility available for inspection and copying by the requesting party at a mutually agreeable place and time. The documents which will be made available will provide sufficient identification of the various respiratory protection programs utilized and implemented at the Seadrift facility, in addition to the various types of respiratory protection equipment used over the years.

REQUEST FOR ADMISSION NO. 19:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 7, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it is vague, unintelligible and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, to a particular facility or premises. Union Carbide objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Therefore, subject to its objections, it is denied.

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REQUEST FOR PRODUCTION NO. 21:

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

RESPONSE: Please refer to Union Carbide's Response to Request for Production No.12, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 20:

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

RESPONSE: Union Carbide objects to this Request on grounds that the use of the term "others" is vague and unclear and as a result, this Request calls for speculation. Union Carbide further objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope or for that matter to a particular plant or Union Carbide premises. In addition, Union Carbide objects to this Request on grounds that it is repetitious and duplicative of numerous prior requests for information. Union Carbide can neither admit nor deny this Request with specificity regarding the work-sites in which Plaintiff has alleged he was present, because a reasonable inquiry has been made but the information known surrounding Plaintiff's alleged presence at the Seadrift facility is insufficient to enable the responding party to admit or deny as to Plaintiff specifically. Therefore, subject to its objections, it is denied.

REQUEST FOR PRODUCTION NO. 22:

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

RESPONSE: Please refer to Union Carbide's Response to Request for Production No.12, including all of the objections set forth therein.

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REQUEST FOR PRODUCTION NO. 23:

Produce all documents reflecting payments made to contractors between the years 1959 and 1978, including Plaintiff's employer, including but not limited to invoices, bills, check requests, requisitions, canceled checks or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE: Union Carbide objects to this Request on grounds that it seeks information which is irrelevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Union Carbide further objects on grounds that this Request is vague, and overly broad to the extent that it seeks information which has not been limited in geographic scope or for that matter, to a particular facility or premises. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably tailored to matters, which are relevant to this lawsuit. In Re American Optical, 988 S.W.2d 711 (Tex. 1998). In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome and as such the burden of responding to this Request substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR ADMISSION NO. 21:

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

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

REQUEST FOR ADMISSION NO. 22:

Admit that between the years 1959 and 1978, Defendant controlled Defendant's Premises.

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RESPONSE: Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. Esparza v. Diaz, 802 S.W. 2d 772, 775 (Tex. App. – Houston [14th Dist.] 1990, no writ). Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 24:

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

RESPONSE: Please refer to Union Carbide's Response to Request for Admission No. 22, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions without describing with reasonable particularity the documents and items sought to be produced or inspected. Subject to and without waiving said objections, Union Carbide responds as follows:

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

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the relevant years at issue, then such documentation will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR ADMISSION NO. 23:

Admit that, between the years 1959 and 1978, Defendant managed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request to the extent it is vague in that the terms "managed", "use and "condition" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 25:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 23, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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. 24:

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Admit that, between the years 1959 and 1978, Defendant directed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "directed", "use" and "condition" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 26:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 24, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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. 25:

Admit that, between 1959 and 1978, Defendant superintended the use or conditions of Defendant's premises.

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RESPONSE: Union Carbide objets to this request as vague in that the terms "superintended", "use" and "conditions" are unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 27:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 25, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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. 26:

Admit that, between 1959 and 1989, Defendant restricted the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "restrict", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto,

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admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 28:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 26, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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. 27:

Admit that, between the years 1959 and 1978, Defendant regulated the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "regulated", "use" and "condition" are vague, unclear and undefined. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 29:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 27, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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 producedor inspected in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 28:

Admit that, between the years 1959 and 1978, Defendant governed the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "governed", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 30:

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

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RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 28, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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. 29:

Admit that, between the years 1959 and 1978, Defendant oversaw the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request as vague in that the terms "oversaw", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 31:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 29, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks

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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. 30:

Admit that, between 1959 and 1978, Defendant administered the use or condition of Defendant's Premises.

RESPONSE: Union Carbide objects to this request to the extent it is vague in that the terms "administered", "use" and "condition" are undefined and unclear. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, admitted as to Union Carbide's operations and employees, and denied as to operations and employees of independent contractors.

REQUEST FOR PRODUCTION NO. 32:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 30, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production 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

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consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 31:

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

RESPONSE: Union Carbide objects to the request to the extent that it is vague in that the terms "retained," "control" and "performed" are undefined and unclear. Union Carbide objects to this request because it asks Union Carbide to admit a proposition of law. Espara v. Diaz, 802 S.W.2d 772, 775 (Tex. App. - Houston [14th Dist.] 1990, no writ). Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 33:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 31, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union 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.

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INTERROGATORY NO. 17:

Do you contend that at no time during the time frame between 1948-1990, Defendant did not have the right to advise or, if necessary, control the activities of employees of contractors, working on the premises of the Union Carbide Corporation facility, who were engaged in activities which could be potentially hazardous to either themselves or Union Carbide Corporation employees? If the answer is anything other than "no", identify each and every fact which supports this contention.

RESPONSE: Union Carbide objects to this Interrogatory as drafted as ambiguous, confusing and unclear in its usage of negatives, and is vague in that it is unclear which Union Carbide Corporation facility is meant. Additionally, Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Interrogatory on grounds that it has not been confined to the subject matter of this lawsuit and as a result this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

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

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REQUEST FOR ADMISSION NO. 32:

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

RESPONSE: Union Carbide objects to this Request on grounds that the use of the term "control" is unclear and undefined. Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999).Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information and as such, this Request is harassing and oppressive. Subject thereto and as explicitly qualified above, it is denied.

In addition, please refer to Union Carbide's Answer to Interrogatory No. 17 contained herein.

REQUEST FOR PRODUCTION NO. 34:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 32, including all of the objections set forth therein. Union Carbide objects to the overly broad and vague nature of this Request for Production in that it fails to describe with reasonable particularity the documents and other items to be produced, in addition to the fact that Plaintiff's counsel has provided Union Carbide with an insufficient amount of information regarding Plaintiff's work history during his alleged presence at the Seadrift facility and as a result,

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Union Carbide is called upon to speculate as to what, if any, documents and/or other materials might be responsive to the full breadth of this overly broad, inherently vague Request for Production. Furthermore, Union Carbide objects to the duplicative and repetitious nature of this Request.

Additionally, please refer to Union Carbide Answer to Interrogatory No. 17, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 33:

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

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

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 33, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions without describing with reasonable particularity the documents and items sought to be produced or inspected in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union

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Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 34:

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

RESPONSE: Union Carbide objects to this Request on grounds that as phrased this Request is vague and undefined. Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information and as such, this Request is harassing and oppressive. Subject thereto and as explicitly qualified above, it is denied.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Please refer to Union Carbide's Responses to Request for Production No. 24 and Request for Admission No. 34, including all of the objections set forth therein. Union Carbide further objects to this Request on grounds that it is overly broad and vague to the extent that it seeks the production of all documents supporting Union Carbides good faith contentions and the various documents and other materials underlying the basis for said contentions without describing with reasonable particularity the documents and items sought to be produced or inspected in a manner

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consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure. Additionally, Union Carbide objects to this Request on grounds that it is repetitious and duplicative, and as a result it is oppressive and harassing.

REQUEST FOR ADMISSION NO. 35:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 36:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 38:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 37:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 39:

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

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RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 38:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 39:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 41:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 40:

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

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Not applicable.

REQUEST FOR ADMISSION NO. 41:

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

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RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 17, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it is duplicative and repetitious of numerous prior Requests for Admission, and as such this Request is harassing and oppressive. Union Carbide further objects to this Request on grounds that it has not been reasonably tailored to the subject matter of this lawsuit, or for that matter has this Request been limited in time, scope or to a particular Union Carbide plant or premises and as such this Request, as drafted, constitutes an impermissible fishing expedition. In Re American Optical, 988 S.W.2d 711, 713 (Tex. 1998). Subject thereto, Union Carbide responds as follows:

Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent permitted by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Therefore, as to contractors, this request is denied.

REQUEST FOR PRODUCTION NO. 43:

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

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

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time, scope or for that matter to a particular plant or Union Carbide premises and as such, this Request seeks the discovery of information which has not been reasonably limited to the subject matter of this lawsuit. In addition, Union Carbide objects to this Request on grounds that it is unduly burdensome, and the overwhelmingly oppressive, time consuming and costly nature of this burden substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

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

INTERROGATORY NO. 18:

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

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

Union Carbide's knowledge concerning the potential health hazards possibly associated with excessive asbestos fiber inhalation developed gradually, but it is impossible to state precisely when and how such knowledge was actually acquired. Sources of information as to possible health concerns of which Union Carbide is presently aware included general and scientific literature on the topic of asbestos and reports or memoranda created by or for Union Carbide employees. To the

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extent that copies of said reports and/or memoranda can be located through a reasonably diligent search of the Seadrift business records, said documents will be made available to the Plaintiff for review and duplication at a mutually agreeable time and place.

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

REQUEST FOR PRODUCTION NO. 44:

Produce all documents that 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 fails to describe with reasonable particularity the types of documents sought 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 overly broad and vague and as a result, Union Carbide is called upon to speculate as to what types of documents and/or other information might be responsive to this Request. Union Carbide further objects to this Request on grounds that it has not been reasonably limited in time, geographic scope or for that matter to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the oppressive, time consuming nature of this burden of production, to the extent that responsive

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documentation exists and can be located, substantially outweighs the probative value of the information sought, should discovery be allowed. Subject thereto, Union Carbide responds as follows:

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

REQUEST FOR ADMISSION NO. 42:

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

RESPONSE: Union Carbide states that it did not retain control over the manner and method in which its independent contractors performed their various assignments except to the extent allowed by law in regard to the mandatory plant requirement that all contractors perform their work in a manner consistent with the underlying controlling state and federal laws pertaining to workplace safety as is permitted per Koch Refining Co. v. Chapa, 11 S.W.3d 153 (Tex. 1999). Union Carbide admits that it advised its contractors with regard to health and safety procedures, but that the independent contractors themselves were responsible for the safety of their employees and for providing their employees with the required safety equipment depending on the particular job involved, otherwise beyond this explicitly qualified admission, this Request is denied by Union Carbide.

REQUEST FOR ADMISSION NO. 43:

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

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RESPONSE: Please refer to Union Carbide's Response to Request for Admission No. 42, contained herein.

REQUEST FOR ADMISSION NO. 44:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 45:

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

RESPONSE: Union Carbide states that per agreement with the Plaintiffs, no Rule 194 formal disclosure requests were exchanged between Union Carbide and Plaintiffs with the exception of witness lists. Such lists are on file in Dallas County. Furthermore, Union Carbide objects to this request because it is over broad and seeks all documents relating to its contentions and not specific documents. In re American Optical Corp., 988 S.W.2d 711, (Tex. 1998).

INTERROGATORY NO. 19:

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

RESPONSE: Union Carbide objects to this Interrogatory to the extent that it is overly broad and improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure. Union Carbide objects to this Interrogatory as argumentative and assuming facts which are not in evidence in that it assumes that Plaintiff was exposed to asbestos on its Premises and that he has suffered an asbestos-related injury as a result of such alleged exposure. Union Carbide further objects to this Interrogatory as drafted as ambiguous, confusing

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and unclear in its usage of negatives, and is vague in that it is unclear which particular Union Carbide premises is meant. Subject to its objections, Union Carbide responds as follows:

Union Carbide denies that such exposure, if any, was a substantial contributing factor in causing Plaintiffs alleged asbestos-related injury. Union Carbide states that Plaintiff, according to the Work History sheet provided to Union Carbide by Plaintiff's counsel, worked at countless job sites for various contractors during the years of his employment and as a result, in order to thoroughly and accurately respond to the full breadth of this overly broad, poorly worded Interrogatory, Union Carbide would be called upon to speculate as to what were the conditions of Plaintiffs employment, the types of jobs he actually performed, the various contractors working with or in the vicinity of Plaintiff, and whether or not Plaintiffs various employers and co-workers complied with all applicable state, federal and industrial guidelines.

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

REQUEST FOR ADMISSION NO. 45:

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

RESPONSE: Union Carbide objects to this request on grounds that it calls for speculation and, as phrased, is argumentative in that it assumes that Plaintiff was exposed to asbestos at the Defendant's Premises, much less that he was actually ever even present on Defendant's premises and, in addition, that he has even suffered an asbestos-related injury. Union Carbide further objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, denied.

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REQUEST FOR PRODUCTION NO. 46:

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

RESPONSE: Union Carbide refers Plaintiff to its Response to Interrogatory No. 19, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 46:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 47:

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

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 47:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 19, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR ADMISSION NO. 48:

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

RESPONSE: Denied.

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REQUEST FOR PRODUCTION NO. 48:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 19, including all of the objections set forth therein. Union Carbide objects to this Request on grounds that it this Request does not sufficiently describe the items or documents to be produced in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 49:

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

RESPONSE: Union Carbide objects to this Request to the extent it contains an interrogatory and as such is not a true Request for Production 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. 50:

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

RESPONSE: Union Carbide objects to this request for production to the extent it contains an

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

Union Carbide states that it does not have sufficient knowledge or information concerning, the Plaintiff, amongst other factors, to enable it to make such a contention at this time.

REQUEST FOR PRODUCTION NO.51:

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

RESPONSE: Union Carbide objects to this Request 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 on grounds that it fails to describe with reasonable particularity the documents and/or other materials sought to be produced or inspected in a manner consistent with the meaning of Rule 196 of the Texas Rules of Civil Procedure, and as a result Union Carbide is called upon to speculate as to what documents, if any, might be responsive to this Request. Union Carbide further objects to this Request on grounds, that as drafted, this Request is vague and unintelligible.

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REQUEST FOR PRODUCTION NO. 52:

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

RESPONSE: Union Carbide objects to this Request on grounds that as drafted, this is a Interrogatory and not a true Request for Production within the meaning of Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that it does not describe with reasonable particularity the documents or other items sought to be produced and as a result, Union Carbide is called upon to speculate as to what, if any, documents might be responsive to the full breadth of this overly broad request.

REQUEST FOR PRODUCTION NO. 53:

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

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

REQUEST FOR PRODUCTION NO. 54:

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

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

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

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microfilmed, microfiched, imaged, scanned, or stored on disks, diskettes, CD-rom, databases, etc. or on or within any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site, including but not limited to supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that referred to the stopping, suspending or resuming of such retention or destruction policies.

RESPONSE: Union Carbide states that the discovery process and Union Carbide's own investigation into this matter remain on-going. Upon the completion of the discovery process Union Carbide will make all responsive documents and/or materials which exist and can be located, available to the requesting party for copying and duplication at a mutually agreeable place and time.

Sales and other business records are under the control of either counsel for Union Carbide, or Mrs. Virginia M. Ruszczyk, Kelley Drye & Warren, LLP, I01 Park Avenue, 31st Floor, New York, New York 10178.

REQUEST FOR PRODUCTION NO. 55:

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

RESPONSE: Union Carbide objects to this request on grounds that it is overly broad and unduly burdensome and the time consuming, oppressive nature of this Request, to the extent that responsive information exists and can be located, substantially outweighs the probative value of the information sough should discovery be allowed. Subject to its objections, Union Carbide responds as follows:

Union Carbide maintains a repository of documents and other material containing information pertaining to asbestos or asbestos products in accordance with the most advanced state-of-the-art industrial practices. All material or documents responsive to this request, or

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containing information responsive to this request, still accessible to Union Carbide would be contained in the office and Repository or the aforesaid files. Upon plaintiffs request, Union Carbide will make its Repository (not including privileged information) available to the plaintiffs for review and replication at a suitable time and place.

Any existing indices for documents related to Union Carbide's Seadrift facility have been reviewed for relevance and have been incorporated into Union Carbide's Repository referred to above, or included as exhibits to these responses. Specific indices of particular files previously maintained by officials or employees in the course of their business have been collected and incorporated into the Repository along with the files to which the indices respectively refer. According to the best information currently available, there exists no indices specifically pertaining to documents relevant to use of asbestos in the Seadrift, plant. No master index for the Repository described above has been created. Union Carbide attorneys or legal assistants reviewed and logged in material as it was obtained and added to the Repository. Such logs, however, are privileged as attorney work product.

INTERROGATORY NO. 20:

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

RESPONSE: Union Carbide has previously made all responsive, non-privileged documents within its possession available to the requesting party for inspection and duplication. If Union Carbide has access to information relating to who received, maintained, reviewed or disseminated such materials, it is reflected on those documents. Union Carbide maintains a repository of asbestos related documents. Any documents responsive to this request, or containing responsive information, still

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accessible to Union Carbide would be contained in Union Carbide's repository of asbestos-related documents and material. The repository is located at the offices of Kelley Drye & Warren, LLP. Mrs. Virginia M. Ruszczyk, a legal assistant, with Kelley Drye and Warren, LLP, serves as the Custodian of Documents for the Repository. Upon plaintiffs request, Union Carbide will make its Repository available to plaintiffs for review and replication at a suitable time and place. The following is a responsive listing of books, studies, and limited issue reports which are on file in Union Carbide's corporate library in Danbury. Additional material may be also kept at more or other libraries:

1. Acrylamide - Exposure to N10SH - STD.
2. Agricultural Products - Emergency Response Plan - Union Carbide.
3. Agricultural Products - 1983 Chemical Guide.
4. Albanes (C5-C8) Exposure to N10SH.
5. Allyl Chloride - Exposure to N10SH STD.
6. American Hospital Association. Guide to Health Call Fiedl-1985.
7. The Apocalyptics - Edith Effron
8. Asbestos Standard
9. Benyl Chloride - Exposure to NI10SH STD.
10. Benzoyl Perioxide - Exposure to N10SH STD.
11. British Journals of Industrial Medicine 2/86.
12. Carlon Black - Exposure to N10SH STD.
13. Carbaryl - Exposure to N10SH STD.
14. Carlon Disulfide: EHC10.
15. Carlon Disulfide: Exposure to N10SH STD.
16. Carciongins, First Annual Report on (July, 1980, Vol. 1, Vol. 11, Dept. of Health and Human Services.
17. Chemical Hazards of the Workplace, Hughes Proctor.
18. Chloraprene, Exposure to N10SH STD.
19. Clinical Diagnosis - by lab methods - Henry & Davidsohn
20. Clinical Handbook of Economic Poisons (Emergency Information and Treatment).
21. Clinical Toxicology of Commercial Products. Gasoline, Smitt & Hodge.
22. Clinical Symposia - CIBA.
23. Cobalt - Criteria for Controlling Occupational Exposure to N10SH STD.
24. Cobalt - Exposure to N10SH STD.
25. Contact Directory (UNION CARBIDE Chemicals & Plastics).
26. Corporate Medical Department - Background Information -UNION CARBIDE.
27. Dinitro-Ortho-Cresol - Exposure to N10SH STD.

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28. Directory - U.S. Based Agencies involved in International Health Assistance - National Counsel for Int'l Health.
29. Directory of Medical Specialists - 22d Edition - (1985-86) (Marquis, Who's Who).
30. Disability Prevention: The Global Challenge - Wilson.
31. Diseases of the Heart (1, 111) Freidburg - 3d Edition.
32. Doctors of Medicine - Directory of Sept. 1985 - Div. of Health Related Boards.
33. Drug Abuse Program, Developing an Occupation.
34. Electronics Division - Occupational Health Manual.
35. Emergency Cardiac Care - Huszar.
36. Emergency Care (Course Planning Guide) Murray, Grant
37. Emergency Medicine, Attos of Rosen & Steinbach.
38. Employees Handbook - UNION CARBIDE.
39. Employee Health (Linde Shea) Linde Dive., UNION CARBIDE.
40. Environmental Affairs Manual - UNION CARBIDE.
41. Ether Oxide, Health Assessment Document for
42. Ethyl Oxide Worker Safety Issues (Rep. #83-2).
43. Ethylene Dibromide - Exposure to N10SH STD.
44. Ethylene Dichloride (1,2 Dichlordtrhane) Exposure to N10SH STD.
45. Ethylene Oxide Sterilization - Exposure to N10SH STD.
46. Ethylene Oxide Std.
47. Ethylene Oxide Sterilization - In Hospital.
48. Ethylene Oxide Worker Safety Issues.
49. Eveready Battery - Engineering Data.
50. Exposure to Mutagenic & Reproductive Hazards - Arthur Bloom, M.D.
51. Exposure Standard - UNION CARBIDE.
52. Follow-up of Cancer (Physicians Handbook) (2d Edition - 1983).
53. Foodlorne Disease & Food Safety - American Medical Association - 198 1.
54. Fractures & Dislocations, Management of, Vols. I & II, 3d Edition - Connolly.
55. Grain, Dust, Fire, Explosion - Exposure to NOSH STD.
56. Guide to evaluation of Permanent Impairment - 2d Edition - American Medical Association.
57. Howard Medical School Health Letter (1985-86).
58. Health Effects Review Board (Toxicology).
59. Health Fitness Center - Emergency Procedure (UNION CARBIDE Manual).
60. Health & Safety Manual - UNION CARBIDE.
61. Hearing Loss (2d Edition) - Drs. J. Sataloff and R. T. Sataloff and L. A Vassalo, M.S.
62. The Heart, J. Willis Hurst.
63. Help Manuals - UNION CARBIDE.
64. Hearing - Conservation & Noise Central Manual - UNION CARBIDE.
65. Home & Auto Products Division - Occupational Health Manual - UNION CARBIDE.
66. How to Choose a Medical Specialty. Anita Taylor.
67. Industrial Toxicology - Fairhall.
68. Industrial Toxicology - Hamilton & Hardy.
69. Industrial Toxicology - Plunhett.
70. Injured Patient, Management of - Norman & Males.
71. Internal Medical Alert - 1986.

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72. International Travel Policies - UNION CARBIDE.
73. Kidney or Electrolytes - Norman Deane, M.D.
74. Loss of Hearing Claims - Background of - UNION CARBIDE.
75. Lung Disorders, Occupational - Parker -2d Edition.
76. Material Safety Data Sheets (Linde, Catalysts, Carbon Products, Battery, Home & Auto, Chemicals & Plastics, UMETCO, etc.).
77. Medical Benefits.
78. Medical Letter.
79. Medical Letter (1981 - Vol. 23)
80. Mobile Coronary Care (Fundamentals of Rose & Rose.
81. Medical Dictionary
82. Medical Policies, Procedures & Guidelines - UNION CARBIDE.
83. Metals Division - Occupational Health Manual
84. Mions Annual - 1985
85. Mutagenicity Test Procedures - Author/Editor B.J. Kilbey
86. New England Journal of Medicine - 7/85, 5/85, 12/85, 11/85, 7/85, 10/85, 6/85.
87. Neurologic Exam De Jong.
88. N10SH -Current Intelligence Bulletin (Reprints 1/1 8, 1975-1977).
89. N10SH - Occupational Health Guidelines for Chemical Hazards.
90. Nitrogen Oxides - Exposure to N10SH STD.
91. Nitroglycerin & Ethylene Glycol Dinitrate - Exposure to N10SH STD.
92. Nursing - Standing Orders & Procedure - UNION CARBIDE.
93. Occupational Health - 2 (Approaches To)
94. Occupational Health/Medicine Manuals - UNION CARBIDE.
95. Occupational Lung Diseases - Margon & Seaton.
96. Occupational Medicine - State of the art reviews R.N. Adams, M.D. - Editor.
97. OSHA Hazard Communication.
98. OSHA - Occupational Health Guidelines for Chemical Hazard.
99. Patty's Industrial & Hygiene Toxicology (3d Edition) Clayton, Vol's 1, 2A, 2B, 2C.
100. Permanent Impairment - Guide to Evaluation - 2d Edition American Medical Association.
101. Phenol - Exposure To - N10SH STD.
102. Physicians Desk Reference - 1986.
103. Phosphorus & Phosphine in Air - Exposure to N10SH Std.
104. Physicians Directory of Consultative Service (Yale).
105. Polychlorinated Bisphenyls (PCB's) Exposure To N10SH -STD.
106. Preventive Medicine (5/86).
107. Proctology, A method of - Macleod.
108. Product Safety/Liability Manual - UNION CARBIDE.
109. Public Health Code - 1980 - State of Connecticut.
110. Public Health & Preventive Medicine - 11th Edition - Lost, J.M.
111. Radionuclide Contamination, Management of -.
112. Red Book (1982) Representative of Committee on Infectious Disease - American Academy of Ped.
113. Refined Petroleum Solvents - Exposure to NOSH STD.
114. Reproductive System, Effects of Toxic Chemicals on American Medical Association - 1985.

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115. Respiratory Disease, American Revolution of - (Volume 13 1, April 1985).
116. Respiratory Disease - Emergency Treatment of Acute Stinger.
117. Safety, Health & Accident Prevention Procedures (Basic Guide) UNION CARBIDE.
118. Safety, Health & Loss Control Manual - UNION CARBIDE.
119. Safety, Health & Related Affairs Technical Manual - UNION CARBIDE.
120. Safety Manual - UNION CARBIDE.
121. Site Visit Reports (Books 1-4 - By Division - UNION CARBIDE).
122. Sudden Coronary Death - NY Academy of Science - Volume 382.
123. Sulfur Oxides & Related Particulates - 1978 - Environmental Effects of
124. The 36 Hour Day - Mac/Robbins.
125. Tetrachlorethan - Exposure to - N10SH STD.
126. Tolioine - Exposure to N10SH STD.
127. Toxic Substance Control (Source Book) Center for Compliance Information.
128. Toxicology Assessment & Advisory Committee (Vols. 1-4).
129. Toxicology & Biochemistry of Aromatic Hydrocarbone, H.W. Gerarde.
130. Trauma Patient, Initial Management of - Frey.
131. Tropical Medicine - 5th Edition - Hunter/Swartzwelder/Clyde.
132. Tropical Medicine, New Developments is National Council for Health.
133. Vanadium - Exposure to N10SH STD.
134. Word Processing Manual - UNION CARBIDE.
135. Waste Anesthetic Gases & Vapors - Exposure to - N10SH STD.
136. The Journal of the Society of Occupational Medicine.
137. The Lancet
138. Mayo Clinic Proceedings.
139. The New England Journal of Medicine.
140. Occupational Hazards
141. Occupational Health & Safety
142. Preventive Medicine - American Health Foundation.
143. The Medical Letter - On Drugs & Therapeutics.
144. N10SH - Technical Reports.
145. N10SH - Research Reports.
146. N10SH - Criteria Reports.
147. N10SH - Survey Reports.
148. N10SH - Health Safety Guides.
149. N10SH - Self-Evaluation Reports.
150. Electric Power Research Institute Studies.
151. Jarc Monograph Series.
152. National Council on Radiation Protection and Measurement Series.

The following is a sample subscription list, containing some possibly pertinent periodicals which the library subscribed to in 1976. If information for other years or other particular information is

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specifically requested, Union Carbide will attempt to locate such information and provide it to the plaintiff.

Sample Subscription List

A. 1. Ch. E. Journal
A.I.M.E. Society of Mining Engineers Transactions
Academy of Sciences of the U.S.S.R. - Earth Sciences Section
Acta Metallurgica
Air Pollution Control Association Journal
Aluminum and Supplement in English
American Association of Petroleum Geologists Bulletin
American Ceramic Society Bulletin
American Ceramic Society Journal
American Chemical Society Journal
American Journal of Science
American Mineralogist
Analyst
Analytica Chimica Acta
Analytical Chemistry
Applied Spectroscopy
Archiv fur das Eisenhuttenwesen
Australasian Institute of Mining and Metallurgy Proceedings
Australian Institute of Metals Journal
Australian Mining
Automotive Engineer
British Ceramic Society Transactions
Canadian Chemical Processing
Canadian Journal of Chemical Engineering
Canadian Journal of Earth Sciences
Canadian Metallurgical Quarterly
Canadian Mineralogist
Canadian Mining and Metallurgical Bulletin
Canadian Mining Journal
Cast Metals Research Journal
Chemical Engineering
Chemical Engineering Progress
Chemical Engineering Science
Chemical Geology
Chemical Instrumentation
Chemical Reviews
Chem Tech
Chemistry and Industry

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Clays and Clay Minerals
Contributions to Mineralogy and Petrology
Economic Geology
Electrochemical Society Journal
Energy Pipeline and Systems
Engineering
Engineering and Mining Journal
Environmental Science and Technology
Foundry
Foundry Trade Journal
Fuel
Geochemistry International
Geochimica et Cosmochimica Acta
Giessereiforschung
Harvard Business Review
High Temperature
Indian Institute of Metals Transactions
Industrial and Engineering Chemistry, Fundamentals
Industrial and Engineering Chemistry, Process Design and Development
Industrial and Engineering Chemistry, Product Research and Development
Industrial Heating
Industrial Laboratory
Industrial Minerals
Inorganic Chemistry
Inorganic Materials
Institute of Metals Journal
Institution of Mining and Metallurgy A. Mining Industry
Institution of Mining and Metallurgy B. Applied Earth Science
Institution of Mining and Metallurgy C. Mineral Processing & Extractive Metallurgy
Instrumentation Technology
Intermet Bulletin
International Chemical Engineering
International Journal of Mineral Processing
International Journal of Powder Metallurgy
International Metallurgical Reviews
Iron and Steel International
Iron and Steel Engineer
Iron and Steel Institute Journal
Iron and Steel Institute of Japan Transactions
Ironmaking and Steelmaking (formerly ISI Journal)
Journal du Four Electrique
Journal of Analytical Chemistry, USSR
Journal of Applied Chemisty and Biotechnology
Journal of Applied Chemistry, USSR
Journal of Chemical Thermodynamics

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Journal of Colloid and Interface Science
Journal of Geochemical Exploration
Journal of Geology
Journal of High Temperature Science
Journal of Inorganic and Nuclear Chemistry
Journal of Materials Science
Journal of Metals
Journal of Petrology
Journal of Physical Chemistry
Journal of Scientific Instruments Journal of Scientific Instruments Journal of Steel Castings Res.
Journal of the Less Common Metals
Journal of Thermal Analysis International
Light Metal Age
Materials Engineering
Materials Research Bulletin
Metal Bulletin, London
Metal Progress
Metal Science Journal
Metallography, An International Journal
Metallurgia and Metal Forming
Metallurgical Transactions
Metallurgist
Metallurgist and Materials Technology
Metals and Materials
Metals Technology (London)
Mineralium Deposita
Microscope
Mineralogical Magazine
Mineralogical Record
Minerals Processing
Minerals Science and Engineer
Mines Magazine
Mining Congress Journal
Mining Engineering
Mining Magazine
Modem Castings
NIM - National Institute for Metallurgy
Nature
New Scientist
Norsk Geologisk Tidsskrift
Oil and Gas Journal
Oxidation of Metals
Physics of Metals and Metallography
Platinum Metals Review
Powder Metallurgy

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Powder Metallurgy, International
Processing
Refractories
Remote Sensing of Environment
Research Management
Review of Scientific Instruments
Rocks and Minerals
Russian Castings Production
Russian Chemical Reviews
Russian Journal of Inorganic Chemistry
Russian Journal of Physical Chemistry
Russian Metallurgy (Metally)
Scandinavian Journal of Metallurgy
Science
Scientific American
Separation Science
Simulation
Skillings' Mining Review
South African Institute of Mining and Metallurgy
Spectrochimica Acta
Stahl und Eisen
Steel in the USSR
Talanta
TAPPI
Thermochimica Acta
Thirty-three Magazine of Metals Producing
Tsvetnye metally (in English)
Vacuum
Water and Wastes Engineering
Welding Engineer
World Mining
X-Ray Spectrometry
Zeitschrift fur metallkunde

REQUEST FOR PRODUCTION NO. 56:

Produce the written materials referred to in the interrogatory above.

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

REQUEST FOR ADMISSION NO. 49:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 50:

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

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 51:

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

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

REQUEST FOR ADMISSION NO. 52:

Admit that Defendant no longer uses asbestos on its Premises.

RESPONSE: Admitted.

REQUEST FOR PRODUCTION NO. 57:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, unduly burdensome and overly broad to the extent that it seeks information which has not been limited in time, scope or for that matter, to a particular facility or premises. Union Carbide further objects to this Request to

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the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR PRODUCTION NO. 58:

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

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

REQUEST FOR PRODUCTION NO. 59:

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

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RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 14, including all of the objections set forth therein. In addition, Union Carbide objects to this Interrogatory on grounds that it is extremely duplicative and repetitious of countless prior requests for information.

REQUEST FOR PRODUCTION NO. 60:

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

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

Union Carbide will make all responsive documentation and/or other materials which may be responsive to the full breadth of this overly broad Request, available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 61:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter

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of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden 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 PRODUCTION NO. 62:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises. Union Carbide further objects to this Request on grounds that it has not been limited to the subject matter of this lawsuit, and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it does not specify with reasonable particularity the types of documents sought to be discovered and as a result, Union Carbide is called upon to speculate as to what type of information might be responsive to the full breadth of this overly broad Request. Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the time consuming, costly nature of this burden 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). Subject thereto, Union Carbide responds

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as follows:

Union Carbide will make all responsive documents pertaining to the Seadrift facility, available for copying and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 63:

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

RESPONSE: Union Carbide will make all responsive documents pertaining to the Seadrift facility, available for copying and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 64:

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

RESPONSE: Union Carbide will produce any such documents within its possession.

REQUEST FOR PRODUCTION NO. 65:

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

RESPONSE: Union Carbide will produce any such documents within its possession, if said documents actually exist and can be located.

REQUEST FOR PRODUCTION NO. 66:

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

RESPONSE: Union Carbide states that it will make all documents, to the extent that responsive documentation even exist and can be located through a diligent review of the Union Carbide

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engineering specifications and business records, which reflect the layout of the Seadrift facility during the relevant years at issue, available to the requesting party for copying and inspection at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 67:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 7 and Union Carbide's Response to Request for Production No. 12, including all of the objections contained therein.

REQUEST FOR PRODUCTION NO. 68:

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

RESPONSE: Union Carbide will make all responsive documents pertaining to the Seadrift facility available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 69:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 7 and Union Carbide's Response to Request for Production No. 12, including all of the objections contained therein. In addition, Union Carbide objects to this Request on grounds that it is duplicative of numerous prior requests for information.

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REQUEST FOR PRODUCTION NO. 70:

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

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

REQUEST FOR PRODUCTION NO. 71:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been reasonably limited in time, scope or for that matter to a particular plant or Union Carbide premises. Furthermore, Union Carbide objects to this Request on grounds that it has not been reasonably tailored to the subject matter of this lawsuit and as such this Request, as drafted, constitutes an impermissible fishing expedition. In Re American Optical, 988 S.W.2d 711, 713 (Tex. 1998). Union Carbide objects to this Request on grounds that it does not describe with reasonable particularity the documents and/ or other items sought to be produced or inspected in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to this Request on grounds that as drafted, this ambiguous, undefined Request is unduly burdensome, and the costly, time consuming, oppressive nature of this burden of production, in light of Plaintiff's failure to even attempt to reasonably limit the scope of this Request, substantially outweighs the probative value of the information sought, should discovery be allowed.

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REQUEST FOR PRODUCTION NO. 72:

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

RESPONSE: Union Carbide will make all documents relating to the purchase of asbestos to the extent that responsive documentation exists and can be located, available to the requesting party for copying and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 73:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad and has not been reasonably limited in time, scope, or to a particular plant or Union Carbide premises and as such, this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the oppressive, costly nature of this burden substantially outweighs the probative value of the information sought, should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide will make responsive documents available to the requesting party for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 74:

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

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RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 84, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 75:

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

RESPONSE: Union Carbide states that it will make all documentation, to the extent that documentation exists, available for inspection and duplication by the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 76:

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

RESPONSE: Union Carbide objects to this request because it is inappropriate because it seeks the invasive disclosure of the mental impressions, conclusions, opinions and legal theories of Union Carbide's legal counsel. Texas Tech Univ. Health Sciences Car. V. Schooled, 828 S.W.2d 502, 504 (Tex. App. - El Paso 1992, orig. proceeding). Union Carbide further objects to this request for any documents supporting its allegations and contentions as over broad. In re American Optical Corp., 988 S.W.2d 711 (Tex. 1998).

REQUEST FOR PRODUCTION NO. 77:

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

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

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

REQUEST FOR PRODUCTION NO. 78:

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

RESPONSE: Union Carbide objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, and to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request on grounds that it does not describe with reasonable particularity the documents and other items sought to be discovered in a manner consistent with Rule 196 of the Texas Rules of Civil

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Procedure. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Response to Request for Production No. 14, contained herein.

REQUEST FOR PRODUCTION NO. 79:

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

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

REQUEST FOR PRODUCTION NO. 80:

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

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 81:

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

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

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REQUEST FOR PRODUCTION NO. 82:

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

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

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

REQUEST FOR PRODUCTION NO. 83:

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

RESPONSE: To the extent said documents exist and can be located, upon Plaintiff's request, copies of such documentation and/or other materials will be made available at a suitable time and place for inspection, review and copying at Plaintiff's expense at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 84:

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

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, overly broad, and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 85:

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

RESPONSE: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time, scope or for that matter, a particular facility or premises, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide objects to this Request on grounds that it is unduly burdensome in that Union Carbide has over the years employed numerous contractors at the Seadrift facility and as such, the time consuming, costly nature of this burden, to the extent that responsive documentation exists and can be located, substantially outweighs the probative value of the information sought should discovery be allowed. Additionally, Union Carbide objects to this Request to the extent that it is duplicative and repetitious of numerous prior requests for information.

REQUEST FOR PRODUCTION NO. 86:

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

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 12, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 87:

Produce all documents and other tangible things relating to Plaintiff.

RESPONSE: Union Carbide objects to this request to the extent such materials are equally

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