PLAINTIFF'S EXHIBIT

UC-2045

CAUSE NO. 97CI-15498

AMELIA SANCHEZ GARCIA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE HEIRS AND AND ESTATE OF JOSE A. GARCIA, JR., DECEASED	§	IN THE DISTRICT COURT OF
VS.	§	BEXAR COUNTY, TEXAS
OWENS-CORNING, ET AL.	§	150TH JUDICIAL DISTRICT

DEFENDANT UNION CARBIDE CORPORATION'S OBJECTIONS AND RESPONSES TO PLAINTIFF AMELIA SANCHEZ GARCIA'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSIONS

TO: Plaintiff, Amelia Sanchez Garcia, by and through her attorney, Lou Thompson, Baron & Budd, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW, UNION CARBIDE CORPORATION, Defendant, and makes and serves this its Objections and Responses to Plaintiff Amelia Sanchez Garcia's First Set of Interrogatories, Requests for Production and Requests for Admissions.

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ATTORNEYS FOR DEFENDANT UNION CARBIDE CORPORATION

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CERTIFICATE OF SERVICE

I do hereby certify, that on this date, a true and correct copy of the above and foregoing Answers to Plaintiffs' First Set of Interrogatories and Request for Production was forwarded via certified mail, return-receipt-requested to counsel for Plaintiffs, Lou Thompson, Baron & Budd, P.C., The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219, on this the 12 day of July, 2001.

Misti D. Mosteller

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GENERAL OBJECTION

Union Carbide objects to Plaintiffs' entire set of Interrogatories, Requests for Production and Requests for Admission to the extent that they call for information about Union Carbide facilities or premises where the plaintiffs never worked. Over the course of its business, Union Carbide owned or operated a numerous amount of locations and premises. Ascertaining plant and employee practices for each Union Carbide facility or premises, even during a specified time frame, would be unduly burdensome, if possible at all. Morever, the nature of the processes and work conducted at Carbide's various plants and facilities differed considerably, and information relating to another plant or facility is not necessarily relevant.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 1:

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

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DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 2:

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

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 3:

Union Carbide objects to the terms "plant and facility" and "Defendants Premises at Issue" as defined because it renders these Interrogatories, Requests for Production and Requests for Admission over broad and not reasonably limited to matters which are relevant to the subject matter of this lawsuit or to the discovery of matters which are reasonably calculated to lead to the discovery of admissible evidence. Because Union Carbide has, over the years, owned or operated a variety of locations and premises, and because it appears that Plaintiff's claims against Union Carbide are based on his alleged presence at Union Carbide's Seadrift facility, answers contained herein pertain to solely to Union Carbide's Seadrift facility.

DEFINITIONS AND INSTRUCTIONS OBJECTION NO. 4:

Union Carbide objects to the term "Time Period at Issue" as defined because it renders these Interrogatories, Requests for Production and Requests for Admission over broad and not reasonably limited to matters which are relevant to the subject matter of this lawsuit or to the discovery of matters which are reasonably calculated to lead to the discovery of admissible evidence. According to Plaintiff's work history, he was allegedly present on the premises of the Seadrift Facility intermittently during the years 1964-71, therefore to the extent possible, all plant specific information shall apply solely to the relevant years at issue as defined by Plaintiff's most recently amended work history.

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OBJECTIONS AND ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

For each person who has supplied any information used in answering these interrogatories, or who assisted in identifying, locating or retrieving documents responsive to Plaintiff's Requests for Production, identify such person and include the length of time employed by Defendant or other employer, and a year-by-year list of all other positions, titles, or jobs held.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it seeks information beyond the scope of discovery. 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 on grounds that it constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429,430 (Tex. 1996). Subject to its objections, Union Carbide responds as follows:

Union Carbide states that these answers and responses are the result of a diligent investigation and review of Union Carbide's Seadrift facility and corporate 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 all of the Union Carbide asbestos files which might contain information or documentation which is responsive to the full breadth of this overly broad Interrogatory.

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INTERROGATORY NO. 2:

As to each of the following, please state the first year you first became aware, what you learned, and how Defendant learned that humans who inhale asbestos fibers can contract:

a. asbestosis
b. lung cancer
c. mesothelioma

ANSWER: Union Carbide objects to this Interrogatory to the extent it is vague and overly broad and is not reasonably limited to a specific time period, and as such, this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it would burdensome to require Union Carbide to identify how and when Union Carbide, as a corporation, became "aware" of the diseases listed above. Furthermore, Union Carbide objects to this Interrogatory on grounds that the use of the term "aware" is vague and undefined, and as a result Union Carbide is called upon to speculate as to what information might be responsive to this Interrogatory. Subject thereto, Union Carbide responds as follows:

According to the best information currently available, Union Carbide's knowledge concerning the potential health hazards which, in some cases, have possibly been associated with excessive exposure to asbestos fiber inhalation developed gradually and as a result, it is impossible to state precisely when and how this information was ultimately acquired. Union Carbide is aware that the following sources of asbestos related information contributed to Union Carbide's knowledge of the potential hazards of excessive asbestos exposure: Union Carbide's participation in various trade association conferences and meetings, the development of OSHA and other government related information and programs in regard to asbestos, general and scientific published literature

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throughout the years, and corporate research, reports and memoranda developed by or for Union Carbide employees.

INTERROGATORY NO. 3:

Please list all trade organizations, trade associations and any other industry-wide groups to which you belong(ed)(specifically including but not limited to the following groups: American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association, American Chemical Council, American Petroleum Institute, Texas Chemical Council, Ohio Safety Congress, National Safety Counsel, Asbestos Information Association, Industrial Medical Association) in which information or documents relating to asbestos was discussed, disseminated, or published (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk). As to each such group, please state:

a. the inclusive dates of your membership and
b. identify Defendant's employees or former employees or representatives who attended any of the meetings held by each organization, and
c. the meetings they attended, and
d. if any individuals employed by Defendant or representing Defendant were members of committees or subcommittees of any such organizations, (such as, e.g., a medical advisory committee or legal committee), identify the committee or subcommittee on which such individual served and the position occupied on the committee, if applicable.

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

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Over the years, Union Carbide was a member and/or participated in the following organizations:

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

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

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

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

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

The Industrial Hygiene Foundation:
Based upon the best information currently available, Union Carbide participated in this organization during the early 50s' and 60's. Upon the receipt of additional or inconsistent information, Union Carbide will supplement this Answer appropriately.

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

Union Carbide further states that it will make any documents which might contain information pertaining to Union Carbide's membership and/or participation in the various trade associations listed above, available to the requesting party for inspection and duplication at a mutually agreeable place and time.

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INTERROGATORY NO. 4:

Please identify Defendant's employees or former employees or representatives who attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, (including, by way of example, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk) and specifically including but not limited to the Seventh Saranac Symposium, 1952, and/or New York Academy of Sciences, October 1964, and for each such individual, state the proceedings, symposia, or conferences attended and to whom within your corporate organization information concerning attendance at such proceedings, symposia, or conferences were reported, either verbally or in documentary form.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad and unduly burdensome, and the time consuming and oppressive nature of the burden entailed in identifying each and every employee or former Union Carbide employee or representative, who throughout Union Carbide's entire history of operation might have attended any proceedings, symposia, or conferences of a scientific or medical or technical nature at which information or documents relating to asbestos was discussed, disseminated, or published, 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 any manner whatsoever, and as a result, as drafted, this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Furthermore, Union Carbide states that it would be virtually impossible to require that Union Carbide contact each and every employee that might have had some knowledge of asbestos in order to inquire as to whether or not they have, at any time, ever attended an asbestos related proceedings, symposia, or conferences of a scientific or medical or technical nature to determine if information pertaining to asbestos was discussed.

INTERROGATORY NO. 5:

Please identify each company from which you acquired asbestos-containing products used at Defendant's Premises At Issue during the years Plaintiff has indicated he worked at Defendant's Premises At Issue and include in your response

a. a description of each asbestos-containing product acquired and
b. the dates each asbestos-containing product was acquired.

ANSWER: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of

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the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time or scope, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Interrogatory on grounds that it is unduly burdensome, and the time-consuming, oppressive nature of the burden entailed in identifying each and every asbestos-containing product acquired during the time period that Plaintiff allegedly worked at the Seadrift facility, much less each company which provided the asbestos-containing product, substantially outweighs the probative value of the information sought should discovery be allowed.

INTERROGATORY NO. 6:

If any asbestos-containing materials located or formerly located at Defendant's Premises at Issue have been removed, encapsulated, or otherwise abated at any time,

a. Identify each person or company that performed such abatement services;
b. State the dates and locations within Defendant's Premises At Issue of each abatement procedure; and
c. Describe what asbestos-containing materials were abated
d. State how such asbestos-containing waste was stored at Defendant's Premises At Issue prior to disposal and how it was disposed of.

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

Over the years, Union Carbide has conducted extensive abatement activities at the Seadrift facility. The services of various independent contractors, such as Brown & Root and Service Abatement Company, have been utilized during the on-going performance of asbestos abatement.

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

INTERROGATORY NO. 7:

Please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this case concerning Defendant's Premises At Issue during the Time Period At Issue, including but not limited to the identification or location in your premises of asbestos-containing products to which Plaintiff was exposed or facts disputing the identification or location of such product or type of products.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad and unduly burdensome, and the oppressive nature of the burden entailed in identifying each and every person which may or may not have knowledge of facts which took place over thirty years ago, without the benefit of knowing exactly where Plaintiff worked, and what Plaintiff allegedly did for Union Carbide at the Seadrift facility during the relevant years at issue, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process, as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide states that upon the completion of the discovery process and upon receipt of addition information concerning Jose Garcia, Union Carbide will supplement this Answer accordingly.

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INTERROGATORY NO. 8:

With respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being employed by you or having been employed by you whose duties and/or responsibilities included interface or liaison with Plaintiff's employer or other contractors who installed, removed, maintained, repaired or replaced asbestos-containing products (including foremen or supervisors or Plaintiff) on Defendant's Premises At Issue (regardless of job title, including but not limited to "plant engineers", "project engineers", "company engineers", "project superintendents", "purchasing agents" or job descriptions of a similar nature) and specifically include those whose duties and responsibilities included the following:

a. entering into contracts or purchase orders (including specifications) with such contractors
b. allowing such contractors access to Defendant's Premises At Issue,
c. overseeing or supervising or observing or monitoring such contractor activities or addressing any contractor questions or concerns relating to the work being performed
d. providing or approving asbestos-containing materials to be used by such contractors
e. inspecting or approving work done by such contractors or authorizing payment for work done by such contractors.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is unduly burdensome, and the oppressive nature of this burden, substantially outweighs the probative value of the information sought should discovery be allowed. Additionally, Union Carbide objects to this Interrogatory on grounds that it has not been confined to the subject matter of the underlying lawsuit, and as drafted this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Interrogatory to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

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

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INTERROGATORY NO. 9:

If you have or have had an industrial hygiene or safety or medical department, please:

a. state the year such department was established, and whether it was established on the corporate level or at Defendant's Premises At Issue or both and

b. with respect to Defendant's Premises At Issue during the Time Period At Issue, please identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as being or having acted in a medical, safety, or industrial hygiene advisory capacity (regardless of job title), specifically including, but not limited to, physicians, medical directors, medical personnel, nurses, safety engineers or managers and industrial hygienists. (You should include in your answer those persons on a corporate level, regardless of whether they worked directly on Defendants' Premises if they had such responsibilities for workers on Defendant's Premises At Issue, and identify such individuals as affiliated with the corporate headquarters of Defendant).

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad. Additionally, Union Carbide objects to this Interrogatory on grounds that it would be unduly burdensome, to require that Union Carbide identify each and every person involved with industrial hygiene or occupational medicine. Furthermore, Union Carbide objects to this Interrogatory on grounds that it has not been reasonably limited in time or scope, nor has it been confined to the subject matter made the underlying basis for this lawsuit, and as such, this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Subject thereto, Union Carbide responds as follows:

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

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

(1) Girard Cranch
[1938-1945]

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

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

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

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

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

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

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

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

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

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respectively.

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

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

Persons thus far identified as having performed industrial hygiene functions at the Seadrift Texas plant include the following:

1. Don Deese

2. Dr. Roy Joyner

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3. Dr. Joe Cranston

4. Dr. Jerry Crabtree

5. Larry McMullen

6. Newt Ketcham

7. Marty Gonzales

8. Ernest Hernandez

INTERROGATORY NO. 10:

Please identify all warnings given by Defendant, if any, to anyone at Defendant's Premises At Issue (including the Plaintiff) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include in your response:

a. to whom these warnings were given (and specifically state if Plaintiff was among them),
b. when they were given, if ever, and
c. in what manner they were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.) and
d. state whether you have ever published, written, edited, or distributed any other printed materials, including brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings of the possibility of injury from the use or exposure to asbestos or asbestos-containing products, and
e. state whether any of the foregoing warnings were in Spanish or any other language besides English.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is vague and overly broad. Union Carbide further objects to this Interrogatory on grounds that it has not been reasonably limited to a particular Union Carbide premises or facility, and as a result this Interrogatory, as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide objects to this request to the extent that improperly seeks the discovery of all factual assertions and a marshaling of proof supporting Union Carbide's contentions and as a result, this Interrogatory is inconsistent with Rule 197 of the Texas Rules of Civil Procedure.

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Union Carbide further objects to this Interrogatory 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. Subject thereto, Union Carbide responds as follows:

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

Union Carbide's knowledge concerning health hazards possibly associated with excessive exposure to asbestos fiber inhalation developed gradually and at some point in time during the early 70's, acting in accordance with the utmost concern for the safety of its own and contractor employees, Union Carbide began posting cautionary warning signs to advise workers of the presence of asbestos and/or asbestos containing materials. Union Carbide believes that these general cautionary warning signs were posted at various locations within the Seadrift facility in accordance with OSHA guidelines. The specific locations of these signs and dates and length of time these signs were posted is currently unknown. In addition to cautionary warning signs, Union Carbide disseminated health and safety information regarding the most current industrial and government knowledge of the potential adverse health effects which could possibly be associated with excessive inhalation of asbestos fibers, all in an effort to actively insure that employees and contractors were well advised on ways to avoid the potential harm which could result from excessive exposure to asbestos dust. Union Carbide, as well as, the numerous amounts of contractors which have been present at the Seadrift facility over the years, utilized various safety procedures which were enforced

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by the respective companies for the benefit of their own employees. According to the best information currently available, Union Carbide developed industrial hygiene and occupational health programs and policies which were implemented by Union Carbide and enforced by each of the respective contractors for the protection of all plant workers. Over the years, these policies and programs have been revised and expanded in order to accurately reflect the most current and accurate industrial knowledge.

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

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

Union Carbide ceased manufacturing and selling Bakelite phenolic resin in 1975. Doug Neal, a former industrial hygienist at the facility which produced the phenolic resin, is familiar with the history of the use of warning labels for Bakelite. Don Gould, the former chair of Union Carbide's warning label committee, is also familiar with the history of labels on the phenolic resin

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bags.

INTERROGATORY NO. 11:

If Defendant has or had or maintained 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, please identify

a. the individuals who received, maintained, reviewed, and disseminated the information contained in such written materials,
b. identify the written materials received, and
c. state how and why these materials came into Defendant's possession.

ANSWER: Union Carbide objects to the overly broad nature of this Interrogatory on grounds that it has not been reasonably limited in time or geographic scope, and as such this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it is unduly burdensome, and the time consuming and costly nature of this burden, substantially outweighs the probative value of the information sought should discovery be allowed. In addition, Union Carbide objects to this Interrogatory on grounds that as drafted, this Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, Union Carbide responds as follows:

Union Carbide will make 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.

Additionally, Union Carbide maintains a repository of asbestos related documents. Any documents responsive to this request, or containing responsive information, still accessible to Union Carbide would be contained in Union Carbide's repository of asbestos-related documents and

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material. 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 have at some point in time been collected 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.
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).

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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.
72. International Travel Policies - UNION CARBIDE.

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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.

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114. Reproductive System, Effects of Toxic Chemicals on American Medical Association - 1985.
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

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Chemistry and Industry
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
Internet 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

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Journal of Applied Chemisty and Biotechnology
Journal of Applied Chemistry, USSR
Journal of Chemical Thermodynamics
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

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Oil and Gas Journal
Oxidation of Metals
Physics of Metals and Metallography
Platinum Metals Review
Powder Metallurgy
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

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INTERROGATORY NO. 12:

Please describe in detail your manufacturing or industrial use of any asbestos or asbestos-containing products at Defendant's Premises At Issue. Please include in your response

a. the type of asbestos fiber used,
b. from whom you purchased the asbestos fiber used,
c. a description of the process in which the asbestos was used.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Furthermore, Union Carbide objects to this Interrogatory to the extent that it seeks information which has not been limited in time, scope or for that matter, a particular facility or premises. Subject thereto, Union Carbide responds as follows:

Union Carbide did not manufacture asbestos-containing products at the Seadrift facility.

Union Carbide used asbestos-containing products at its Seadrift facility over an extensive period of time, in variety of industrial units. Union Carbide began discontinuing the use of asbestos-containing products well over twenty years ago and as such, will be unable to produce an all-inclusive list of products by brand name, the location where these products may have been used or applied, or the time period in which they were present. Subject to its objections, Union Carbide states that it is diligently searching for the existence of any and all documents and/or other materials which identify the asbestos containing products which were utilized at the Seadrift facility

The products used were generally installed on hot pipes, heat exchangers, boilers and distillation columns throughout the plant.

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INTERROGATORY NO. 13:

Identify by name and location each plant, facility, location, or premises owned, operated, or controlled by you in which asbestos-containing products were assembled, stored, used, prepared for use, installed, or fabricated during the Time Period At Issue. For each plant, facility, location, or premises listed as responsive to the above request, specify

a. the functional dates for each plant, facility, location, or premises and
b. the period during which asbestos-containing materials were stored, used, prepared for use, installed or fabricated.

ANSWER: Union Carbide objects to this request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, to the extent that it has not been limited in time or scope, and as such is not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Union Carbide objects to this Interrogatory on grounds that because it appears that Plaintiff's claims against Union Carbide are based solely on his alleged presence at Union Carbide's Seadrift facility and not based on any alleged exposure to Union Carbide's asbestos-containing products, it would be burdensome to require Union Carbide to provide information which is clearly beyond the scope of discovery. Subject to its objections, Union Carbide responds as follows:

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

Calidria - King City, California; This product was never manufactured in any of Union Carbide's current or former facilities other than King City, CA. Union Carbide, therefore, objects

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to plaintiffs' interrogatories insofar as they request information pertaining to Calidria asbestos as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

Bakelite - Bound Brook, New Jersey; The version of Bakelite that contained asbestos was never manufactured in any of Union Carbide's current or former facilities other than Bound Brook, NJ. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to Bakelite as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

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

Acetylene Cylinders - Speedway, Indiana; This product was never manufactured in any of Union Carbide's current or former facilities other than Speedway, Indiana. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to acetylene cylinders as burdensome, oppressive, irrelevant, and immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

TRE-HOLD - California or Pennsylvania (originally made by a company acquired by Union Carbide); This product was never manufactured in any of Union Carbide's current or former facilities other than California or Pennsylvania. Union Carbide, therefore, objects to plaintiffs' interrogatories insofar as they request information pertaining to TRE-HOLD as burdensome,

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

Automotive Radiator Products - Whiting, Indiana, Texas City, Texas, Torrence, California, or Lake River Terminal, Illinois;

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

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

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

INTERROGATORY NO. 14:

For any of Defendant's Premises At Issue, during the Time Period At Issue, if you, your affiliates, subsidiaries, or predecessor(s), arranged for any of your employees, labor inspectors, insurance company inspectors, industrial hygienists, or any other party, whether directly employed by you or otherwise, to count or measure quantity, quality or threshold limit values or concentrations of asbestos dust or particles or other dust at any of your plants, facilities, locations, or premises where

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asbestos or asbestos-containing products were used, assembled, installed, or removed, please describe such tests and indicate

a. the results obtained;
b. by whom such tests were performed and
c. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such tests and their results.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad, in that it has not been limited to the relevant years at issue, nor has it been confined to the subject matter made the underlying basis for this lawsuit, and as such this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it is unduly burdensome. Union Carbide has not been provided with sufficient information regarding Jose Garcia's work history, to enable Union Carbide to accurately respond to this Interrogatory. Therefore, without additional information, Union Carbide states that the time consuming, costly nature of this burden of production, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that it seeks the disclosure of information protected by the Subject thereto, Union Carbide responds as follows:

Union Carbide states that the discovery process, as well as Union Carbide's own investigation into this matter remain on-going. Union Carbide has not concluded its examination of the Seadrift facility asbestos files which might contain some information or documentation pertinent to the full breadth of this overly broad Interrogatory. Union Carbide will produce all responsive and relevant documents within its possession which pertain to the Seadrift facility to the requesting party at a mutually agreeable place and time.

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

INTERROGATORY NO. 15:

For the Time Period At Issue, if you provided or caused to be provided any safety equipment or medical programs (including, but not limited to, masks, respirators, other breathing devices, protective clothing, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or medical monitoring program, medical examination program, or other medical or safety program) to employees, contractors, or invitees at any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were manufactured, used, assembled, installed, or removed, please indicate

a. when such was first provided to your employees, contractors, and/or invitees and to whom,
b. under what circumstances such were provided, and
c. state whether you conducted safety meetings discussing the hazards of asbestos with employees, contractors, or invitees at any of Defendant's Premises At Issue during the Time Period At Issue, and if so, when and what was discussed, and
d. identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as the person most knowledgeable concerning such equipment and programs and their provision.

ANSWER: Union Carbide objects to this Interrogatory to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, to a particular plant or premises and as such, this Interrogatory as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this

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Interrogatory on grounds that it is vague and unduly burdensome, and the oppressive, time consuming and costly nature of this burden, to the extent that responsive information and/or documentation exists, substantially outweighs the probative value of any of the information sought by this Interrogatory. Subject to its objections, Union Carbide responds as follows:

Union Carbide states that according to the best information which is currently available, Filter type respirators have, at least as far back as the 1940's, been available to Carbide employees upon request or as required for specific tasks where conditions were identifiably dusty. However the use of such respirators has depended upon individual working conditions. Since the early seventies, and in accordance with all of the applicable government, state and industrial standards, the Seadrift facility, maintained numerous safety policies in regard to the usage of masks, protective clothings, protective gloves, area air filtration systems, and area exhaust systems or barriers or enclosures or respiratory devices for protection against exposure to asbestos dust. In addition, the contractors that worked on the premises of the Seadrift facility during the years at issue, were obligated to provide safety equipment to their own employees in a manner consistent with Federal, State and plant guidelines. The imposition and the acceptance of this obligation, on the part of the contractors, to adhere to the applicable safety guidelines was considered a condition precedent to Union Carbide's decision to accept any of the various contractors proposals or bids which had been submitted for consideration. Over the years, Union Carbide has continued to modify and improve its policies and procedures pertaining to respiratory protection in a conscious effort to strictly adhere to the guidelines and other industrial safety standards of all state, federal and industrial regulations. Union Carbide states that throughout the 50's and 60's, various models and types of respiratory protection were made available to both Union Carbide employees, in addition to various contractors

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over the years depending on the negotiated terms of the applicable purchase order. Union Carbide states that until the early 1970's, the use of respiratory protection was voluntary. In 1972, use of respirators became mandatory, and was made available to Union Carbide's employees as part of its general safety and health program. Therefore, n the early 1970's, following the inception of OSHA and the creation of federally mandated asbestos related guidelines, Union Carbide implemented various programs which required the following: (1) that specific respiratory protective devices will be designated for variable exposure levels; (2) that specific respiratory protection programs will be provided in accordance with the American National Standards Practice for Respiratory Protection; and (3) that all respiratory protection provided should meet the standards set out by all of the applicable provisions of both the Occupational Safety and Health Act and the standards set forth by the various U.S. Bureau of Mines schedules of approved respiratory protection.

Additionally, Union Carbide in compliance with the standards set forth by the Occupational Safety and Health Act, maintained numerous policies in regard to asbestos, requiring that all employees use company issued coveralls, underclothes and socks, which were to be laundered by daily by Union Carbide, and that all employees be required to take compulsory showering at the end of their workday or shift. Theses policies set forth the mandate that employees were forbidden to take the plant issued coveralls from the premises of the Seadrift facility. The policies, as well as additional responsive information, can be located in the repository for asbestos related documents. The repository will be made available to the requesting party for inspection and duplication at a mutually agreeable place and time.

In regard to medical examinations, around1950, Union Carbide instituted a program whereby chest x-rays were made available to the employees at the company's expense. This was originally

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accomplished as part of a periodic physical examination offered on a voluntary basis to all employees by the plant medical department. In December 1969, the x-rays were continued as a component of Multiphasic Health Screening, offered to all employees, again on a voluntary basis, every two years.

Pursuant to OSHA, in the early 1970's, Union Carbide implemented a program to identify employees who had been or were being exposed to asbestos. Any employee so identified was provided an annual asbestos review. Such review consisted of the following:

a. An asbestos survey questionnaire to be completed;

b. A chest x-ray was taken; and

c. A physical examination was conducted, which included an EKG, blood work up and urine analysis.

As a result of this review, if an asbestos-related disease was diagnosed, the employee was so informed. In certain circumstances, the employee may have been referred to a pulmonary specialist of his/her choice for further examination. Any documentation concerning the monitoring of the medical condition of employees at the Seadrift facility would be maintained in the medical records of an individual and would have to be specifically requested and an appropriate release executed.

INTERROGATORY NO. 16:

Please state for each of Defendant's Premises At Issue, all relevant State and Federal regulations, laws, statutes, mandates, or other authority pertaining to industrial hygiene, safety, and health of which you were aware during the Time Period At Issue that governed, controlled, or applied to exposure to asbestos or asbestos-containing products, abatement or removal of asbestos-containing products, and transportation of asbestos containing waste from such removal or abatement activities.

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ANSWER: Union Carbide objects to his Interrogatory on grounds that it is overly broad and unduly burdensome, and the time-consuming nature of this burden, in light of Plaintiff's failure to even attempt to limit the scope of this discovery, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that the various types of information sought to be discovered are a matter of public record, and as such these materials are as equally available to the requesting party as to the responding party. Subject thereto, Union Carbide responds as follows:

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

INTERROGATORY NO. 17:

For any of Defendant's Premises At Issue, detail every occasion during the Time Period At Issue when any State, Federal, or local regulatory agency, commission, or other examiner inspected or visited any of your plants, facilities, locations, or premises where asbestos and asbestos-containing products were used, manufactured, assembled, installed, or removed to ascertain whether you were in compliance with relevant State, Federal, or local health and safety regulations.

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ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad in that it has not been reasonably limited in time or geographic scope, nor has this Interrogatory been confined to the subject-matter made the basis of this lawsuit, and as such this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it is unduly burdensome, and the time-consuming, costly nature of the burden entailed in identifying responsive information for this Interrogatory, on behalf of all of Union Carbide's facilities without any existing limitation in time or scope, other than those inspections which were related to "local health and safety regulations", substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that the various types of information sought to be discovered are a matter of public record, and as such these materials are as equally available to the requesting party as to the responding party. Subject thereto, Union Carbide responds as follows:

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

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to plaintiff for inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide will produce all responsive, relevant information within its possession pertaining to the Seadrift facility to the requesting party at a mutually agreeable place and time.

INTERROGATORY NO. 18:

If, before 1980, you had received notice that any individual or individuals had claimed[sic] for alleged injury against you resulting from exposure to asbestos, state for each:

a. The name and address of the claimant
b. A description of the claim.
c. The name and address of the attorney representing such claimant.

ANSWER: Union Carbide objects to this Interrogatory on grounds that it is overly broad in that it has not been reasonably limited in time or geographic scope, nor has this Interrogatory been confined to the subject-matter made the basis of this lawsuit, and as such this Interrogatory constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). Union Carbide further objects to this Interrogatory on grounds that it is unduly burdensome, and the time-consuming, costly nature of the burden entailed in identifying responsive information for this Interrogatory, on behalf of all of Union Carbide's facilities without any existing limitation in time or scope, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this Interrogatory on grounds that the various types of information sought to be discovered are a matter of public record, and as such these materials are as equally available to the requesting party as to the responding party. Subject thereto, Union Carbide responds as follows:

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Union Carbide states that since the early 1970's, thousands of lawsuits have been filed against Union Carbide, alleging damages for asbestos-related exposure. It would be burdensome to require that Union Carbide review each and every complaint ever filed in order to determine which lawsuits were predicated on premises liability.

Union Carbide states that since the early 1970's, with the onset of asbestos-related litigation, Union Carbide has maintained a list of all asbestos-related cases against Union Carbide. Records of such asbestos-related cases, are maintained by Virginia Ruszczyk of Kelley, Drye & Warren, L.L.P., 101 Park Avenue, New York, New York, Union Carbide's custodian of records for asbestos-related documents. Union Carbide will make this list available to the requesting party for inspection and duplication at a mutually agreeable place and time.

INTERROGATORY NO. 19:

If you contend that you did not own or operate or control the Defendants' Premises during the Time Period At Issue, or if you contend you are not liable in the capacity alleged in the most recent petition, describe in detail the facts supporting your contention and include a detailed corporate history of Defendant and its ownership, sale, acquisition, or divestiture or any of Defendant's Premises At Issue and any relevant mergers, acquisitions, consolidation, or other events of similar nature that you believe bear on the issue of ownership, control, or assumption of liabilities for acts occurring on Defendant's Premises At Issue during the Time Period At Issue and identify and state the experience and qualifications, if applicable, of every person known to you, your agents, or contractors as having knowledge of facts relevant to this issue.

ANSWER: Union Carbide does not make such a contention at this time.

INTERROGATORY NO. 20:

If you contend that venue is not proper, identify by municipality and county the location you contend is your principal place of business within this state for purposes of venue, as well as your next three most significant business locations within this state. If you do not contend that any of your locations are a principal place of business, identify up to four of your places of business where your highest level decision makers within this state work.

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ANSWER: Union Carbide states that venue is not proper in Bexar county. Union Carbide states that it maintains principal places of business in both Seadrift, Texas and Texas City, Texas. Union Carbide states that it does not now, nor has it ever maintained a principal place of business in Bexar County.

RESPONSES TO REQUESTS FOR PRODUCTION

Please note: The terms "Defendant's Premises At Issue" and Time Period At Issue" are terms of art and defined above for purposes of answering this discovery.

REQUEST FOR PRODUCTION NO. 1:

Please produce all ordering, sales, and shipping documents pertaining to the purchase or acquisition of asbestos-containing products for use at Defendant's Premises At Issue at any time.

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

It is unknown to Union Carbide at this time whether or not documents which may be responsive to the full breadth of this overly broad Request exist, and can be located through a review of the Union Carbide business records pertaining to asbestos and asbestos containing products. Union Carbide states that it will produce all relevant and responsive documents pertaining to the use of asbestos-containing products at the Seadrift facility to the requesting party at a mutually agreeable place and time. Additionally, Union Carbide maintains a repository of asbestos related documents.

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

REQUEST FOR PRODUCTION NO. 2:

Please produce all documents that relate to abatement of asbestos or asbestos-containing materials at Defendant's Premises At Issue and transportation of asbestos-containing waste.

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

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

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inspection and duplication at a mutually agreeable place and time.

Additionally, Union Carbide will produce all responsive and relevant documents pertaining to the abatement services performed at the Seadrift facility, to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 3:

Please produce all records identifying contractors and/or the employees of contractors who were on Defendant's Premises At Issue during the Time Period At Issue, including but not limited to gate records, sign-in logs, visitor's logs, identification badge or "brassing" procedures, fingerprinting, or 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 for the relevant years at issue as defined by Union Carbide 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 produced to the requesting party at a

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mutually agreeable place and time.

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

REQUEST FOR PRODUCTION NO. 4:

Please produce all records pertaining to the methods and manner of identification of individuals entering or leaving Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 3, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 5:

Please produce the contract and work progress documents pertaining to the contractors who performed services at Defendant's Premises At Issue during the Time Period At Issue, including, but not limited to, invitations to bid, requests for proposals, bids, proposals, statements of scope of work, work orders, specifications, blueprints, plans, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, including but not limited to all of the contractor documents referring to work to be done, underway, or completed by Plaintiff's employer at Defendant's Premises At Issue during the Time Period At Issue.

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

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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 for the relevant years at issue as defined by Union Carbide 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 produced to the requesting party at a mutually agreeable place and time.

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

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REQUEST FOR PRODUCTION NO. 6:

Please produce all documents reflecting payments made to Plaintiff's employer for work contracted to do at Defendant's Premises At Issue during the Time Period At Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by Plaintiff's employer.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 5, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 7:

Please produce all photographs or videographic depictions or films depicting the use 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 at Defendant's Premises At Issue.

RESPONSE: To the extent that responsive and relevant documentation and/or other materials exist and can be located, they will be produced to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 8:

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

RESPONSE: To the extent that responsive and relevant documentation and/or other materials exist and can be located, they will be produced to the requesting party at a mutually agreeable place and time.

Additionally, please refer to Union Carbide's Answer to Interrogatory No. 10, including all of the objections set forth therein.

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REQUEST FOR PRODUCTION NO. 9:

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

RESPONSE: To the extent that responsive and relevant documentation and/or other materials exist and can be located, they will be produced to the requesting party at a mutually agreeable place and time.

Additionally, please refer to Union Carbide's Answer to Interrogatory No. 10, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 10:

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

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

REQUEST FOR PRODUCTION NO. 11:

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, please produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 14, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 12:

Please 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".

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

Please refer to Union Carbide's Answer to Interrogatory No. 14, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 13:

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

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

REQUEST FOR PRODUCTION NO. 14:

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

RESPONSE: Union Carbide 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).

REQUEST FOR PRODUCTION NO. 15:

If you contend that Plaintiff was not exposed to asbestos dust at Defendant's Premises At Issue, please produce the 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

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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. 16:

Please 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. 17:

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

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

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

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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. Additionally, Union Carbide states that 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. 18:

Please produce all documents, 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) pertaining to any of the subject matter areas of Plaintiffs' Interrogatories.

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 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.

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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 the use of asbestos at the Seadrift facility. 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.

REQUEST FOR PRODUCTION NO. 19:

Please produce all books, pamphlets, memoranda, or written materials of any kind or character that were received by you and that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

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

REQUEST FOR PRODUCTION NO. 20:

Please 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 the extent that it seeks information beyond the scope of the subject matter made the basis of this

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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's 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 produced to the requesting party at a mutually agreeable place and time.

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

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REQUEST FOR PRODUCTION NO. 21:

Please produce all documents in your possession disseminated or published by any trade association that contain information relating to hazards of asbestos and all documents which refer to such documents and any documents pertaining to meetings of such trade associations that were attended by any of your employees or representatives.

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:

Please refer to Union Carbide's Answer to Interrogatory No. 3, including all of the objections set forth therein.

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

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REQUEST FOR PRODUCTION NO. 22:

Please produce all of Defendant's safety meeting minutes that refer to the dangers of asbestos.

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

Union Carbide states that according to the best information currently available, there are no documents which exist, that might be responsive to the full breadth of this overly broad request. Union Carbide maintains a repository of asbestos related documents. Union Carbide states that any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents related to the installation of asbestos-containing materials at Defendant's Premises At Issue.

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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 as such is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998). Subject to its objections, Union Carbide responds as follows:

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

REQUEST FOR PRODUCTION NO. 24:

Please produce all documents related to the medical condition of Plaintiff at any time during his work at Defendant's Premises At Issue. This request specifically includes any and all x-rays, x-ray reports, medical records of any kind, annual physical forms, and any records relating to Plaintiff's health.

RESPONSE: To the extent that such documents exist and can be located, they will be produced to the requesting party at a mutually agreeable place and time.

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REQUEST FOR PRODUCTION NO. 25:

Please produce all documents related to Plaintiff, including but not limited to Plaintiff's work performance and/or personnel records at Defendant's Premises At Issue.

RESPONSE: To the extent that such documents exist and can be located, they will be produced to the requesting party at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 26:

Please produce all documents that reflect or depict in any way the layout of Defendant's Premises At Issue, including the location and dimensions of all buildings and the location and placement of asbestos-containing products, and specifically including all photographs, plats, maps, diagrams, blueprints, drawings, specifications or other architectural renderings.

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 entailed in producing each and every document which might in some way reflect or depict the layout of the Seadrift facility, 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 any information which might be responsive to the full breadth of this overly broad Request may be derived from the records contained in the repository. Therefore, the burden of deriving the answer is substantially the same for the requesting party as for the responding party. Union Carbide states that upon plaintiff's request, Union Carbide will make its

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repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 27:

Please produce all demonstrative aids Defendant plans to use at trial in this matter.

RESPONSE: Union Carbide further objects to this Request on grounds that as phrased, this Request is unduly burdensome, and the costly, time-consuming burden of production substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide further objects to this request because it is vague and does not describe specific documents or specific categories of documents to which Union Carbide might respond. In re American Optical Corp., 988 S.W.2d 711 (Tex 1998).

REQUEST FOR PRODUCTION NO. 28:

Please produce all photographs of asbestos products in place or asbestos-containing materials being installed, maintained, removed, replaced, repaired, or manipulated in any way at Defendant's Premises At Issue.

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. Subject to its objections, Union Carbide responds as follows:

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

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repository available to plaintiff for inspection and duplication at a mutually agreeable place and time.

REQUEST FOR PRODUCTION NO. 29:

Please produce all documents relating to any individuals' claimed injury as a result of exposure to asbestos at any facility of Defendant, including, but not limited to, workers ' compensation claims and any documentation going to or received from any insurance carrier pertaining to such claims, and any documentation pertaining to the disposition of such 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. 30:

Please produce all documents that in any way reflect corporate minutes, corporate records, departmental meetings or discussions, or meetings with agents or contractors that in any way discuss, note, or table a discussion of the hazards of asbestos or potential health hazards of asbestos. The documents sought in this request include those produced and/or maintained at a corporate level by those responsible for supervising or advising personnel at Defendant's Premises at Issue.

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 contractor.

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REQUEST FOR PRODUCTION NO. 31:

Please produce all documents of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue that contain discussion information concerning asbestos, asbestos-related health hazards, or asbestos-containing products.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague, overly broad and unduly burdensome, and the time consuming, oppressive nature of the burden entailed in reviewing, much less locating, each and every document, to the extent that documents actually exist, of corporate, board of directors, Defendant Premises representatives, departmental persons, task force, or other meetings of members of Defendant from 1940 until the last year of the Time Period At Issue which relate to asbestos, substantially outweighs the probative value of the information sought should discovery be allowed. Union Carbide objects to this Request on grounds that it constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996).

REQUEST FOR PRODUCTION NO. 32:

Please 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).

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REQUEST FOR PRODUCTION NO. 33:

Please produce documents between Defendant and any of its worker's compensation carriers or any other insurance carriers regarding the hazards of asbestos and asbestos-containing products.

RESPONSE: Union Carbide objects to this Request to the extent that it is overly broad and constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request to the extent that it seeks information beyond the scope of the subject matter made the basis of this lawsuit, 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 facility 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.

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

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time.

REQUEST FOR PRODUCTION NO. 34:

Please produce documents between Defendant and any of its insurance carriers relating to any inspections carried out by the insurance carrier in which asbestos or dust in general was mentioned.

RESPONSE: Please refer to Union Carbide's Response to Request for Production No. 33, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 35:

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

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 16, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 36:

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

RESPONSE: Union Carbide objects to this Request to the extent that it is vague, 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 or scope and as such is not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide states that according to the best information currently available, no such documentation exists.

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REQUEST FOR PRODUCTION NO. 37:

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

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 38:

Please produce all documents, organizational charts or rosters which identify the members of the management at the Defendant's Premises At Issue and their areas of responsibility during the Time Period At Issue.

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

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

REQUEST FOR PRODUCTION NO. 39:

Please 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:

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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. 40:

Please produce all documents which evidence Defendant's purchase, acquisition, sale, or transfer of ownership or of liabilities relating to Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Request on grounds that it is vague and seeks information which is irrelevant and beyond the scope of discovery.

REQUEST FOR PRODUCTION NO. 41:

If you contend that you are not liable for any dangerous condition or activity taking place at Defendant's Premises At Issue during the Time Period At Issue, please produce all title documents supporting this 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. Subject thereto, Union Carbide responds as follows:

Please refer to Union Carbide's Answers to Interrogatories Nos. 10 and 15, including all of the objections set forth therein.

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REQUEST FOR PRODUCTION NO. 42:

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

RESPONSE: Union Carbide 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)

REQUEST FOR PRODUCTION NO. 43:

If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest petition, produce all documentation that supports your contention, including, but not limited to documentation pertaining to the history of Defendant and any relevant purchase, sale, acquisition, merger, or divestment of corporations, subsidiaries, divisions, or other corporate entities or assets that included the purchase, sale, acquisition, merger, or divestment of the facility(ies); such documentation to include, by way of example and not limitation, purchase or sale agreements, minutes, resolutions, annual reports, 10K reports or other state or federal agency filings, or deposition, trial testimony or affidavits of your corporate representatives who are the most knowledgeable individuals with respect to such matters.

RESPONSE: As it concerns this lawsuit, Union Carbide does not contend that it has not been sued in the proper capacity.

REQUEST FOR PRODUCTION NO. 44:

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

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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. 45:

If you contend Defendant's Premises At Issue was asbestos-free during the Time Period At Issue, please produce all documents which support 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. Subject thereto, Union Carbide responds as follows:

Union Carbide does not make such a contention at this time.

REQUEST FOR PRODUCTION NO. 46:

If you contend that some or all of Defendant's Premises At Issue are asbestos-free, please produce all documents, including but not limited to, specifications, blueprints and drawings 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

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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. 47:

Please produce all documents relating to your manufacturing of any asbestos or asbestos-containing products, or products to which any amount of asbestos was added, for use at any of Defendant's facilities or for sale to others.

RESPONSE: Please refer to Union Carbide's Answer to Interrogatory No. 13, including all of the objections set forth therein.

REQUEST FOR PRODUCTION NO. 48:

Please produce all documents relating to your use of any asbestos-containing materials, asbestos containing products or tools with which asbestos is used, for any process taking place at any of Defendant's facilities.

RESPONSE: Union Carbide objects to this Request on grounds that as drafted this Request is vague, confusing and unintelligible. 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 the burden entailed, in light of Plaintiff's failure to state with any degree of specificity the particular types of documents sought to be discovered, forcing Union Carbide to speculate as to what information might be responsive to the full breadth of this overly broad request, substantially outweighs the probative value of the information sought, should discovery be allowed. Furthermore, Union Carbide objects to this Request on grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

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REQUEST FOR PRODUCTION NO. 49:

Please produce all documents relating to your use, manipulation or handling of asbestos in any industrial processes at Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that as drafted this Request is vague, confusing and unintelligible. 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 the burden entailed, in light of Plaintiff's failure to state with any degree of specificity the particular types of documents sought to be discovered, forcing Union Carbide to speculate as to what information might be responsive to the full breadth of this overly broad request, substantially outweighs the probative value of the information sought, should discovery be allowed. Furthermore, Union Carbide objects to this Request on grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 50:

Please produce all marketing and advertising materials related in any way to your manufacturing of asbestos or asbestos containing materials or your use of asbestos or asbestos-containing materials in your industrial processes.

RESPONSE: Union Carbide objects to this Request on grounds that it seeks the discovery of information which is not reasonably calculated to lead to the discovery of admissible evidence. Union Carbide states that according to plaintiff's alleged work history, plaintiff has not claimed that he was exposed to any asbestos-containing product manufactured by Union Carbide, and therefore, any information which might be responsive to this Request is irrelevant to this lawsuit.

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REQUEST FOR PRODUCTION NO. 51:

Please produce all documents relating to boilers at Defendant's Premises At Issue. This request includes owners manuals, maintenance manuals, purchase orders, and invoices.

RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time or scope, nor has this Request been limited to the subject-matter made the underlying basis for this lawsuit, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the burden of producing each and every document pertaining to any of the numerous boilers contained on Union Carbide's premises, in light of the fact that Plaintiff has not even claimed to have worked on or around boilers, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

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

REQUEST FOR PRODUCTION NO. 52:

Please produce all documents relating to any audits you conducted or caused to be conducted at Defendant's Premises At Issue in order to review some aspect of Defendant' s safety program.

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

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grounds that it fails to identify with any degree of reasonable particularity the types or categories of documents sought to be discovered in a manner consistent with the meaning of Rule 196 if the Texas Rules of Civil Procedure, and as a result, Union Carbide is called upon to speculate as to what type of documentation might be responsive to the full breadth of this overly broad request. Additionally, Union Carbide objects to this Request on grounds that it is unduly burdensome, and the time consuming, oppressive nature of the burden entailed in locating and producing each and every safety audit ever conducted at the Seadrift facility, substantially outweighs the probative value of the information sought should discovery be allowed.

REQUEST FOR PRODUCTION NO. 53:

Please produce all documents provided by you to other plants or facilities relating to safety in the industry, audit procedures or means to eliminate dust exposure, including, but not limited to asbestos dust, at industrial facilities.

RESPONSE: Union Carbide objects to this Request on grounds that it seeks the discovery of information which is 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 scope, or for that matter to the subject matter made the basis 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).

REQUEST FOR PRODUCTION NO. 54:

Please produce depositions and trial transcripts of your current or former employees or other corporate representatives taken in any matter involving an alleged injury or claimed property damage due to asbestos or insurance coverage for claims related to asbestos injury or property damage.

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RESPONSE: Union Carbide objects to this Request on grounds that it is overly broad in that it has not been limited in time or scope, nor has this Request been limited to the subject-matter made the underlying basis for this lawsuit, and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it is unduly burdensome, and the burden of producing each and every deposition and trial transcript current or former employees or other corporate representatives, substantially outweighs the probative value of the information sought should discovery be allowed. Subject thereto, Union Carbide responds as follows:

Union Carbide was first named in 1972 in a law suit involving allegations of injury from exposure to asbestos. Since then, Union Carbide has been named in thousands of such cases. Accordingly, plaintiffs frequently dismiss Union Carbide from such law suits as plaintiffs discover the facts and focus on true culprits. Union Carbide also from time to time settles cases for nominal amounts to avoid cost of discovery or litigation.

In the history of the litigation, few cases (probably less than a couple of dozen) have raised specific allegations of injury from exposure to Bakelite products. No depositions or trials have placed Bakelite products at issue. Union Carbide does maintain a computer data base listing of all asbestos cases, alphabetically listed. Upon plaintiffs request, Union Carbide will make that listing available to plaintiff for review and replication at a suitable time and place.

Union Carbide has presently identified the following testimony offered in asbestos-related law suits by Union Carbide employees:

1. Bert K. Barton

(A) James W. Manisto v. American Brake Block Corporation, et al., District Court, First

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Judicial District, Dakota County, Minneapolis, Minnesota, NO. C-5-88-1008, January 26, 1989.

(B) Robert P. Payne, Josephine Stala as Administratrix of the Estate of Stanley Stala v.Advocate Mines, et al., Supreme Court of N.Y. Law Div., Middlesex County, Doc. No. L-1 0917-85, October 27, 1988.

2. Myron Bennett

(A) Keith Edwin Gibson v. Armstrong World Industries, Inc., et al., U.S.D.C. District of Colorado, Consolidated Civil Action No. 83 -K- 1 756; Civil Action No. 84-K-912, May 18, 1987.

3. Newell Bolton

1. Russell Allen v. American Petrofina, et al., District Court of Jefferson County, Texas, File No. B-126,986, January 11-12, 1993.

4. Carl U. Dernehl, M.D.

(A) John Worm v. Rubicon Chemicals, Inc., et al, U.S.D.C., District of Minnesota, 4th Division, St. Paul, Minnesota, No. 4-81-748,October 21, 1982.

(B) Henry Garry v. Union Carbide Corporation, U.S.D.C., Eastern District of Arkansas, Western Division, Civil No. LR-C-83-921, February 11 1985.

(C) Arthur A. Frehse v. Anchor Packing Company et al., Sixth Judicial District, County of Carlton, State of Minnesota, March 10th, 1989.

5. Thomas J. Hall, M.D.

(A) James W. Manisto v. American Brake Block Corporation, et al., District Court, First Judicial District, Dakota County, Minneapolis, Minnesota, NO. C-5-88-1008, January 10, 1989.

6. Dr. Roy E. Joyner

(A) Creed T. Erwin v. Clemco Industries, Inc., U.S.D.C., Eastern District of Texas (Beaumont Division), Civil Action No. B-86-1780-A, November 23, 1987.

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7. Newton H. Ketcham

(A) State of West Virginia, Circuit Court of Mongolia County, West Virginia, File No. 86-C-458, November 8, 1991.

(B) Russell Allen, et al v. American Petrofina, et al., District Court of Jefferson County Texas, File No. B-126,986, December 8-10, 1992.

(C) Pauline Adams v. E.I. Dupont De Nemours, District Court of Jefferson County Texas, Cause No. D-126,445, March 15, 1994.

8. Edward J. Kleber

(A) James W. Manisto v. American Brake Block, District of Minnesota – Dakota County 1 st Judicial District, File No. C5-88-1008, February 13, 1989.

9. Dr. Hilton C. Lewinsohn

(A) Marion B. Soignet v. Montello, et al District Court for the Eastern District of Texas, File No. B-86-1193, March 9,1989.

(B) Conwed Corporation v. Union Carbide Chemicals and Plastics Company Inc., District Court for the Eastern District of Pennsylvania, Case No. 5-92-88, February 15, 1994

(C) Conwed Corporation v. Union Carbide Chemicals and Plastics Company., Inc., US District Court Fifth Division, District of Minnesota, October 18, 1994.

(D) Chicago Board of Education v. A.C.S. Inc., Circuit Court of Cook County, Illinois, County Department Law Division, File No. 92-L-9934, October 5, 1995.

10. Paul McDaniel

(A) Conwed v. Union Carbide Corporation, USDC, Eastern District Court for the Eastern District of Pennsylvania, File No. MDL-875, September 2, 1993.

11. John L. Myers

(A) Lester Rice v. Union Carbide Corporation, U.S.D.C., District of South Carolina, Civil Action, No. 81-977-9, April 9, 1982.

(B) Simon DeWard v. Johns-Manville, et al., Superior Court for the County of Los Angeles, Civil Action No. C-298717 (and related cases), August 30, 1984.

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(C) Bobby R. Sanford v. Johns-Manville Sales Corp. et al., Southern District of Texas, Galveston Division, No. G-82-325, September 4, 1986.

(D) Shirley Tate v. Certain-Teed Corp., et al., District Court, 46th Judicial District, Hardeman County, Texas, No. 7591.

(E) Shirley Tate v. 3 M Corporation, et al., District Court, 94th Judicial District, Nueces County, Texas, No. 85-1559-C, July 27, 1987.

(F) Union Carbide Asbestos Removal Litigation, Pennsylvania Cases, Bridgeport, Connecticut, April 28, 1988.

(G) James W. Manisto v. American Brake Block District Court, First Judicial District, State of Minnesota, County of Dakota, File No. C-5-88-1008, January 6, 1989.

(H) Estate of Leonard Martin, Sr., v. Union Carbide Corporation, Circuit Court, County of Alger, State of Michigan, Case No. 93-2429-No., August 30, 1995.

(I) Bobbie Jean Dean v. Anchor Packing, District Court, 270th Judicial District, Harrison County Texas, Cause No. 97-57627, [insert date]

(J) Richard Ahrendt v. ABEX, Inc., Superior Court of California, San Francisco County, Civil Action No. 95-3895 & Related Cases, January 25, 1995.

12. William Douglas Neal

(A) Conwed v. Union Carbide Corporation, USDC, Eastern District of Pennsylvania, File No. MDL-875, November 8 & 20, 1996

13. Thomas Norris

(A) James Manisto v. American Brake Block, Minnesota District Court, Dakota County 1st Judicial District, File No. C5-88-1008, January 16, 1989.

14. Robert E. Peele

(A) Asbestos Cases,
Huntington, West Virginia,
September 9-10, 1981.

(B) Asbestos Cases
Southern District of Georgia,
October 7, 1981.

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(C) Freda K. Knight v. Union Carbide Corporation, U.S.D.C. Southern District of West Virginia, Huntington, W.VA., Civil Action No. 84-3425, May 22, 1987.

(D) Abate, et al v. A.C.S. Inc., Circuit Court for Baltimore County, State of Maryland, Consolidation File No. 89-236704, July 9, 1991.

(E) Asbestos Cases, All Courts situated in the State of Ohio, January 26, 1990.

(F) Atkins v. Owens Corning Fiberglas, USDC – Western District of Virginia, Civil Action No. 90-0058-R, December 6, 1990.

(G) Asbestos Cases, USDC – Eastern District of Virginia, (Newport News and Norfolk Division), Docket No. C/P 77-1-N, September 26, 1980.

(H) Noyle Aldridge v. Appalachian Power Co., Circuit Court of Putnam County, West Virginia, Civil Action No. 91-C-463, April 30, 1992.

(I) Lucette Alida Nelson v. Johns-Mansville Sales, USDC – District Court of Arizona, File No. CIV. 80-148 (TUC) (RMB), April 6, 1983.

15. Harrison B. Rhodes, PhD.

(A) Marion B. Soignet v. Montello, Inc., et al., U. S.D. C. for Eastern District of Texas, Beaumont Division, B-86-1193-CA, January 19, 1989.

(B) June Greer, Individually, and as Exec. of the Estate of John Lee Greer, U. S.D. C. for Northern District of Georgia, Atlanta Division, Civil Action No. CV 86-2882, August 10, 1989.

(C) Conwed Corporation v. Union Carbide Chemicals and Plastics, USDC – District of Minnesota, 5th Division, October 12, 1994.

16. Richard J. Sexton, M.D.

(A) Freda K. Knight v. Union Carbide Corporation, U.S.D.C. Southern District of West Virginia, Huntington, W.Va., Civil Action No. 84-3425, May 14, 1987.

17. Howard Stephens

(A) Keith Edwin Gibson v. Armstrong World Industries, Inc., et al., U.S.D.C. District of Colorado, Consolidated Civil Action No. 83-K-1756; Civil Action No. 84-K-912, May 18, 1987.

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18) William Paul Woods

(A) Keith Edwin Gibson v. Armstrong World Industries, Inc., et al., U. S.D. C. District of Colorado, Consolidated Civil Action No. 83-K-1756; Civil Action No. 84-K-912, May 18, 1987.

REQUEST FOR PRODUCTION NO. 55:

Please produce exhibit lists produced to you by any other counsel for Plaintiff in other cases involving claim of injury or property damage alleged to have been caused by asbestos exposure.

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.

REQUEST FOR PRODUCTION NO. 56:

Please produce all correspondence from you to Plaintiff's employer and from Plaintiff's employer to you during the Time Period At Issue.

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

It is unknown to Union Carbide at this time whether or not documents which may be responsive to the full breadth of this overly broad Request exist, and can be located through a review of the Union Carbide business records pertaining to asbestos and asbestos containing products. Union Carbide states that it will produce all relevant and responsive documents pertaining to the use

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of asbestos-containing products at the Seadrift facility to the requesting party at a mutually agreeable place and time.

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

REQUEST FOR PRODUCTION NO. 57:

Please produce all documents that indicate or reference in any way any decision or discussion related to the cessation of the use of asbestos or asbestos-containing products in any of your facilities.

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

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

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

REQUEST FOR PRODUCTION NO. 58:

Please produce all documents that indicate or reference in any way any the[sic] catalog or index or subscriptions or holdings of any library or other research repository of Defendant containing magazines, journals, books, publications or other documents relating to asbestos (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.).

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

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

REQUEST FOR PRODUCTION NO. 59:

Please produce all inventory, stock on-hand, warehouse or other documents pertaining to asbestos-containing products that were stored, maintained, stockpiled, or kept by Defendant for use at any facility of Defendant, including Defendant's Premises At Issue, at any time.

RESPONSE: Union Carbide objects to this Request to the extent it is overly broad and is not reasonably limited to a specific time period, or for that matter, to a particular plant or premises and as such, this Request as drafted, constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W.2d 429, 430 (Tex. 1996). In addition, Union Carbide objects to this

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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.

REQUEST FOR PRODUCTION NO. 60:

Please produce any letters, affidavits, or stipulations concerning the authenticity of any of Defendant's documents provided by you in any other case involving claim of injury or property damage alleged to have been caused by asbestos exposure.

RESPONSE: Union Carbide objects to this Request on grounds that it has not been limited in time or scope and as such this Request constitutes an impermissible fishing expedition. K-Mart v. Sanderson, 937 S.W. 2d 429, 430 (Tex. 1996). Union Carbide further objects to this Request on grounds that it fails to identify with any degree of reasonable particularity the types or categories of documents sought to be discovered in a manner consistent with the meaning of Rule 196 if the Texas Rules of Civil Procedure, and as a result, Union Carbide is called upon to speculate as to what type of documentation might be responsive to the full breadth of this overly broad request.

PLAINTIFF'S REQUESTS FOR ADMISSIONS AND FURTHER REQUESTS FOR PRODUCTION

Please note: The terms "Defendant's Premises At Issue" and "Time Period At Issue" are terms of art and defined above for purposes of answering this discovery.

REQUEST FOR ADMISSION NO. 1:

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 At Issue during the Time Period At Issue.

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RESPONSE: Union Carbide objects to this Request on grounds that it has not been reasonably limited in time or scope. Union Carbide further objects to this Request on grounds that it is overly broad. Subject thereto, Union Carbide responds as follows:

Union Carbide states and generally admits that at some point in time, on certain portions of the Seadrift facility, in limited operations, certain types of asbestos-containing products were utilized.

REQUEST FOR ADMISSION NO. 2:

Admit that Plaintiff was exposed to asbestos at Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Union Carbide objects to the use of the terms "exposed to asbestos" on grounds that it is unclear and undefined. Union Carbide further objects to this Request on grounds that it has not been limited in time, scope or subject matter. Subject thereto, Union Carbide responds as follows:

Union Carbide states that it can neither admit nor deny this Request with any degree of specificity, because Union Carbide has made a reasonable inquiry, but that the information known or easily obtainable regarding whether or not Jose Garcia was ever actually present on the premises of the Seadrift facility, much less the specific nature of Jose Garcia's employment, is insufficient to enable Union Carbide to admit or deny that Jose Garcia was exposed to asbestos at the Seadrift facility. Subject thereto, this Request is denied.

REQUEST FOR PRODUCTION NO. 61:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

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this Request is denied.

REQUEST FOR ADMISSION NO. 20:

Admit that you did not take any steps to protect contractor employees from exposure to asbestos on Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Denied.

REQUEST FOR PRODUCTION NO. 64:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE: Please refer to Union Carbide's Answers to Interrogatory Nos. 10 and 15, including all of the objections set forth therein.

REQUEST FOR ADMISSION NO. 21:

Admit that asbestos is still in use at Defendant's Premises At Issue.

RESPONSE: Union Carbide states and generally admits that according to the best information currently available, small amounts of asbestos-containing products may still be in place at the Seadrift facility.

REQUEST FOR ADMISSION NO. 22:

Admit that asbestos is still in place at Defendant's Premises At Issue.

RESPONSE: Union Carbide states and generally admits that according to the best information currently available, small amounts of asbestos-containing products may still be in place at the Seadrift facility.

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REQUEST FOR ADMISSION NO. 23:

Admit that the United States government has contracted with Defendant for work at Defendant's Premises At Issue.

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding whether or not the United States government ever contracted with Union Carbide for work at the Seadrift facility, is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 24:

Admit that the United States government paid Defendant more than $10,000 for the work it contracted with Defendant for work at Defendants Premises At Issue.

RESPONSE: Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable regarding whether or not the United States government ever contracted with Union Carbide for work at the Seadrift facility, is insufficient to enable the responding party to admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 25:

Admit that Defendant owned Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 26:

Admit that Defendant operated Defendant's Premises At Issue during the Time Period At Issue.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 27:

Admit that you did not conduct air monitoring for the presence of asbestos dust during the time period in question.

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RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 28:

Admit that during the Time Period At Issue, you did not conduct air monitoring tests for levels of asbestos at Defendant's Premises At Issue.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 29:

Admit that you were aware that business invitees at Defendant's Premises At Issue did not understand English.

RESPONSE: Union Carbide objects to the vague, confusing and overly broad nature of this Request. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you did not take any steps to ascertain whether business invitees at Defendant's Premises At Issue understood English.

RESPONSE: Union Carbide objects to the vague, confusing and overly broad nature of this Request.
Subject thereto, denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you did not provide safety orientations to contractor employees prior to their commencing work at Defendant's Premises At Issue.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 32:

Admit that you did not provide safety orientations in Spanish to contractor employees prior to their commencing work at Defendant's Premises At Issue.

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

REQUEST FOR ADMISSION NO. 33:

Admit that you hired or contracted with Plaintiff's employer to remove asbestos-containing materials from Defendant's Premises At Issue during the Time Period At Issue.

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

REQUEST FOR ADMISSION NO. 34:

Admit that you hired or contracted with Plaintiff's employer to replace asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

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

REQUEST FOR ADMISSION NO. 35:

Admit that you hired or contracted with Plaintiff's employer to install asbestos-containing materials at Defendant's Premises At Issue during the Time Period At Issue.

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

REQUEST FOR ADMISSION NO. 36:

Admit that you hired or contracted with Plaintiff's employer to maintain asbestos-containing materials at Defendant's Premises At Issue.

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

REQUEST FOR ADMISSION NO. 37:

Admit that you hired or contracted with Plaintiff's employer to do new construction work at Defendant's Premises At Issue during the Time Period At Issue.

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

REQUEST FOR ADMISSION NO. 38:

Admit that you hired Plaintiff's employer to do "turnaround" work at Defendant's Premises At Issue during the Time Period At Issue.

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

REQUEST FOR ADMISSION NO. 39:

Admit that you communicated with Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 40:

Admit that you instructed Plaintiff's employer concerning the work to be performed on Defendant's Premises At Issue.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 41:

Admit that you instructed Plaintiff's employer concerning how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 42:

Admit that you showed Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 43:

Admit that your specifications indicated to Plaintiff's employer how the work was to be performed on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR PRODUCTION NO. 65:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE: Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the types or categories of documents sought to be discovered in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to

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the vague and overly broad nature of this Request.

REQUEST FOR ADMISSION NO. 44:

Admit that your specifications indicated to Plaintiff's employer what materials were to be used in performing the work on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific materials to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, admitted.

REQUEST FOR PRODUCTION NO. 66:

If your response to the foregoing request is anything other than "admit", produce all documents which support your response, including any documents which you believe support a denial of the foregoing admission or any documents showing what reasonable inquiry you undertook in connection with your inability to admit or deny the foregoing request.

RESPONSE: Union Carbide objects to this Request on grounds that it fails to describe with reasonable particularity the types or categories of documents sought to be discovered in a manner consistent with Rule 196 of the Texas Rules of Civil Procedure. Union Carbide further objects to the vague and overly broad nature of this Request.

REQUEST FOR ADMISSION NO. 45:

Admit that you told Plaintiff's employer or supervisor when to start work.

RESPONSE: Union Carbide states and generally admits that Plaintiff's employer was informed that the Seadrift facility opened between 7:00 to 8:00 a.m..

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REQUEST FOR ADMISSION NO. 46:

Admit that you told Plaintiff's employer or supervisor when to stop work.

RESPONSE: Union Carbide states and generally admits that Plaintiff's employer was informed that the Seadrift facility closed between 5:00 to 6:00 p.m..

REQUEST FOR ADMISSION NO. 47:

Admit that you told Plaintiff's employer what materials to use when doing the work.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific materials to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, admitted.

REQUEST FOR ADMISSION NO. 48:

Admit that you told Plaintiff's employer in what order the work should be done.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, admitted.

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REQUEST FOR ADMISSION NO. 49:

Admit that you told Plaintiff's employer the deadline by which the work on Defendant's Premises At Issue was to be completed.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, admitted.

REQUEST FOR ADMISSION NO. 50:

Admit that you had the power to correct the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 51:

Admit that you had the power to require that the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue be redone to your satisfaction.

RESPONSE: Union Carbide objects to this Request on grounds that it is undefined and unintelligible. Union Carbide further objects to this Request on grounds that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, and assuming that Union Carbide understands Plaintiffs poorly worded Request for Admission, Union Carbide states that it has made a reasonable inquiry, but that the information known or easily obtainable is insufficient to enable the responding party to admit or deny this Request with specificity. Therefore, this Request is admitted.

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REQUEST FOR ADMISSION NO. 52:

Admit that you had the power to stop the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

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

REQUEST FOR ADMISSION NO. 53:

Admit that you observed the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 54:

Admit that you inspected the work performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with

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specificity. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 55:

Admit that you approved the work to be performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, denied.

REQUEST FOR ADMISSION NO. 56:

Admit that you retained the power to control all phases of the work being performed by the employees of Plaintiff's employer on Defendant's Premises At Issue.

RESPONSE: Union Carbide objects to this Request on grounds that it is vague and overly broad, with the result being that Union Carbide is called upon to speculate as to which specific contract and purchase order Plaintiffs are referring. Union Carbide states that without the benefit of knowing the specific years involved, the specific nature of the particular contract involved or the specific work to which Plaintiffs are referring, that Union Carbide can not admit or deny this Request with specificity. Subject thereto, denied.

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